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THE UNIVERSITY OF ALBERTA

ASSESSING CANADA'S HUMAN RIGHTS FOREIGN POLICY

by

LORETTA LYNN ROSE



A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

OF MASTER OF ARTS

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EDMONTON, ALBERTA

FALL 1988

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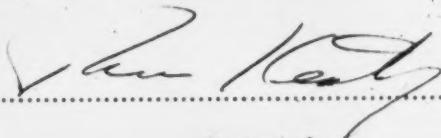
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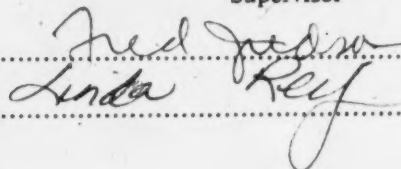
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Supervisor

  
.....  
Linda Reif

Date September 29, 1988

## ABSTRACT

Canada's human rights policy is based upon a certain tradition of rights and upon a certain tradition and style of foreign policy. This thesis examines these, and details present Canadian initiatives in the field. It assesses the instruments Canada uses to protect rights, and the performance of the government. Finally, there are suggestions for an expanded and more concentrated future role for Canada in promoting human rights internationally.

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## **I. BASIS FOR A HUMAN RIGHTS FOREIGN POLICY**

### **A. INTRODUCTION**

The protection of human rights in the late twentieth century is both an international concern, and one of Canada's domestic and foreign policy concerns. In order to understand how human rights has become an accepted element of policy making, it is necessary to examine both the international environment, and Canada's own political and cultural traditions.

One intransigent problem is defining rights. In a world of contending moralities, this is no simple task. Another major difficulty is developing human rights foreign policies that work, within the context of a world of diverse and sovereign states. Canada is a Middle Power, and must deal with human rights in ways appropriate to its stature and power within the system.

Investigation will lead to certain crucial questions: What do the Canadian government's current human rights policies and actions show? Is the government taking as much responsibility as it should or could? Are its policies appropriate? How could they be improved? Could Canada's role in promoting human rights be expanded? And most important, are Canada's human rights foreign policies effective--do they actually promote human rights? Answers to all these questions will be necessary to assess Canada's human rights foreign policy.

### **B. A FOUNDATION FOR HUMAN RIGHTS**

More than a philosophical concept only, human rights has become part of the language with which nations address each other. But is this talk only, or are rights based on more than convention?

Human rights, in the Western world, is a descendant of the earlier concept of natural rights. Natural rights theory posited a set of entitlements that could be derived from looking at nature, and specifically, at the nature of man. In more recent times, particularly since the

Second World War and the formal entrenchment of rights in the United Nation's Declaration of Human Rights, we use the term "human" rights, rather than "natural" rights. The concept of rights has come to centre more specifically on man rather than upon nature, with the belief that rights are *inherent* to human nature.

Yet there has been no very widespread agreement about the specific form of these rights, and this is puzzling if they are in fact inherent to man. Presumably, something springing so directly from man's nature would be self-evident. But as Kenneth Minogue observes in his exploration of the history of the concept, it is difficult to understand how a concept developed so late in human history can be described as "self-evident".<sup>1</sup>

There are two parts to this problem. One is proving that man's nature deserves or requires special consideration, or rights; the other is deciding the exact form and definition of man's nature.

The first problem, it seems to me, cannot be solved without an absolute, or a universal moral imperative against which man as a being can be measured, and found to have particular qualities or value upon which the granting of rights could be based. Man says of himself that he is a rational creature, possessing conscience and creativity and that these special attributes demand special treatment. But from these qualities alone, we cannot derive *morality*, nor can we derive an absolute against which unjust or just treatment could be measured. While human beings have no trouble *positing* absolutes, they do have insuperable difficulties in agreeing upon which is true. Until an absolute can be proven, there is no common anchor for morality in human affairs.

If we put aside the all-important question of where we derive morality from and look at the problem of defining human nature itself, we find that there is no agreement here either. I have said that people consider themselves to be rational and creative beings with conscience and free will. But there are many who deny this. Behaviorists, for example, deny that any of these attributes are part of human nature, and contend instead that men and

<sup>1</sup>Kenneth Minogue, "The History of the Idea of Human Rights," in Walter Laqueur and Barry Rubin, eds., The Human Rights Reader (Philadelphia: Temple University Press, 1979), p. 4.

women are simply living physical matter, responding to positive and aversive stimuli. So there is no agreement that man is anything more than a physical being.

— Since moral responsibility and human nature are the foundations for a philosophy of human rights, the lack of agreement and proof about either seems to preclude human rights as a viable concept.

Or does it? Could we, in a very utilitarian fashion, construct a workable concept of human rights because it is useful to us? With the recognition that human beings are vulnerable creatures, and prone to cruelly prey upon the weaker among themselves, could we take human rights and fashion the concept into a forceful tool with which to curb domination and violence?

Such an approach would surely be denounced by some for lack of moral and intellectual integrity, or for cynically using ideas in a dishonest manner. How can anyone, while unsure of the truth about them, dare to set up moral rules for others? And might it not, in fact, be very dangerous to do so? On the other hand, the intellectual purists are unhelpful in the real world. It is easy to demand perfection or nothing: one can then comfortably sit back and do nothing, secure in the knowledge that perfection will never be reached. But for the rest of us, the matter is more complicated, and we must begin where we can.

There are some compelling reasons for making use of morality, within the context of moral pluralism and a lack of agreed absolutes. One is simply that people *are* moralists. People—even the most careful materialists—still maintain that individuals "ought to" do certain things and feel moral outrage when their particular standards are broken.<sup>2</sup> One could interpret this pervasive moralism as a kind of mass ineptitude or hysteria. Or (what seems more reasonable to me) one could take this to signify that morality really exists and really is based in something, although we still remain very confused about its exact origin, meaning, and content.

<sup>2</sup>A good example of this is B.F. Skinner's Beyond Freedom and Dignity, in which he vigorously denies the existence of morality, emotion, conscience, or anything other than purely physical life, while at the same time emphatically asserting that we "ought to" use behaviorism to train our species for its best end.

If human beings are somehow inevitably *moral* beings, then we must stop to assess and think carefully about our own moral convictions. We do not have the luxury, it seems, of amorality, for in a world of contending moralities, this invites anarchy.

The realists would like to deny that there is any hope or possibility of acting morally in the world of international relations. Strictly interpreted, the theory contends that ultimately, power will always be the determining factor in relations between nations. Morality, according to this view, cannot stand up to physical force.

This is, of course, quite true, in at least some circumstances, and up to a point. But while realism truthfully tells part of the story, it leaves out other parts that are vital and just as true. It leaves out altruism and creativity, both of which can break through the closed circle of simple action and reaction based upon force. And, the realist will recognize that, despite his misgivings about the actual ability of morality to check force, we are in desperate need of something which could constrain power and passion: We need protection from one another; so, even if we do agree with Bentham that rights are nothing more than "nonsense on stilts," we must still recognize that they are potentially very useful nonsense.

But all the discussion about whether human rights exist or not is, in a sense, academic and irrelevant. Culturally, they exist. No matter how much disagreement remains about specific forms and functions, human rights is now an accepted concept between nations. As R.J. Vincent points out in Human Rights and International Relations, the ideological disagreement about human rights itself presupposes the existence of something called "rights" about which to argue.<sup>3</sup> Speaking of Henry Kissinger's realism and the morality of states, Vincent comments that, "by his own realist lights the world has passed him by. Human rights are on the agenda of international politics, and the question now is what to do about them, not whether or not to do anything about them."<sup>4</sup>

All this suggests taking a pragmatic approach which insists that something can and must be done before all the theory is perfectly known or understood. Beginning with rights as

<sup>3</sup>R.J. Vincent, Human Rights and International Relations (Cambridge: Cambridge University Press, 1986), p. 48.

<sup>4</sup>Ibid, p. 72., emphasis added.

cultural constructs, then, what do they look like?

Since we do not have a common moral absolute upon which to base rights, they must be based in human nature itself. This is problematic, and various definitions include or exclude different sets of individuals. Minogue introduces this problem:

The conceptual difficulties presented by the idea result from attributing rights to a universal class such as "man". For if a right means, as it always has, the legitimate powers that may be exercised by someone holding a special position, then it is as old as the institution of human society. Every officeholder has the rights belonging to his office. Kings and consuls in the ancient world enjoyed appropriate rights, and fathers in Rome possessed a bundle of rights described as *patria potestas*. Much of the political debate of the Middle Ages revolved around the question of just how extensive were the rights of pope, king, or baron. But the point of a "right" in this familiar sense was that it distinguished one person from his fellows.

The idea of a "right" that belonged to "man" as such is clearly a major extension of this idea.<sup>3</sup>

Tom Pocklington goes further into the problem by presenting the hypothetical cases of butterfly-like space creatures who, "suffer from physical pain and mental anguish...love, hate, sneer, lust after some members of the opposite sex, have a moral code, feel guilt, believe that honesty, benevolence, and fairness are virtues, and detest hypocrisy," and Klutz, "a quadrapelegic, schizophrenic moron...[who is] recognizable as human only on biological grounds. He is not minimally rational...he is incapable of loving or hating; he has no conception of right and wrong and hence no capacity for guilt or repentance; the notions of honesty, benevolence, and fairness are beyond his comprehension; he does not understand what hypocrisy is."<sup>4</sup> If "rights" truly belong to "humans" then, rights ought to be extended to Klutz, but not to the butterfly people. Yet this appears arbitrary rather than logical, since Klutz seems not to be human in any but the biological sense, while the butterfly people seem to be most definitely "human" in *all* senses but the biological. Pocklington concludes that, "[i]f we have some moral rights because we are human, it is not because we are members of a particular biological species, but because we have certain characteristics which are the bases of our rights and which may be shared by other beings."<sup>5</sup> Presumably these characteristics are precisely those cited earlier: rationality, conscience, free will, and creativity.

<sup>3</sup>Minogue, "The History of the Idea of Human Rights," p. 4.

<sup>4</sup>Tom Pocklington, "Against Inflating Human Rights." Windsor Yearbook of Access to Justice, Vol. 2 (1982), p. 81.

<sup>5</sup>Ibid.

However, it seems to me that this separation of the purely physical part of man from his mental/spiritual being is a false division.<sup>1</sup> Nearly all human beings are very obviously *both* things. Because we do not know the exact nature of the connection between the physical and the mental/spiritual parts of man, we ought to extend the blanket of rights over individuals who seem to possess one part of these human attributes, but not the other (*seem* is an important word here: we may conclude that Klutz has no rationality or moral sense because he cannot communicate with us; however, the assumption may be incorrect. There are enough examples of handicapped individuals who, through modern technology were able to communicate inner human attributes which others thought they did not possess, that we ought to be very wary of judging such people to be incapable of rationality, morality, or human thought and feeling). We should want to extend the benefit of the doubt to such people, not only because we want to avoid the terrible mistake of treating human beings as anything less than human, but also in order to protect society, and ourselves. If human rights can be denied to individuals who seem to lack one or more of the attributes we have posited as the attributes of a human being, it will be easy for rights to be denied to many kinds of people--not just the extreme cases like Klutz. If there is no clear and unchanging point of inclusion, the limits of rights could be pushed back incrementally. Therefore, as an insurance against this, we must consider human beings to be an end in themselves, and extend human rights to all those who are biologically human. We know of no creatures who are mentally/spiritually "human" but not biologically human, such as the butterfly people. But if we ever discover such individuals, we should want to extend rights to them as well, for the same sorts of reasons. These are not cynical misuses of the concept of rights, but rather, a recognition of the limits and failings of human nature: there are always those who want to push back rights and take them away from others. Better to extend human rights to Klutz and others like him, than to risk an erosion of rights which could potentially take place on a very large scale.

Just as any concept of rights must be based in human nature, so must it also be based in the common human condition. Rights as a concept, is a reaction to oppression, or to the

<sup>1</sup>Here I am using "spiritual" to stand for the emotional and psychological aspects of human nature, with room for the possible inclusion of intangibles such as the soul.

violation of a person's physical or mental/spiritual integrity. If there were no oppression there would be no need for the concept of rights with which to speak about their injustice. It is, in fact, the oppression which is obvious, not the rights. The concept of rights comes later, as an expression of the feeling that the worth of the human being makes the violation wrong.

This common reaction to oppression and violence gives us a beginning from which to build criteria to help us flesh out a workable definition of human rights. Barrington Moore Jr's concept of the commonality of human misery can be a very helpful tool here. Moore describes the idea this way:

On the score of happiness, it is difficult to say anything more than that its sources seem infinitely various, and that disputes about tastes are notoriously hard to resolve.

Matters stand otherwise with misery and suffering...If people find it difficult to agree upon the meaning and causes of happiness, they find it much easier to know when they are miserable. Presumably it requires no laboriously accumulated proof to demonstrate that they have hardly ever really enjoyed 1)being tortured and slaughtered by a cruel enemy; 2)starvation and illness; 3)the exactions of ruthless authorities who carry off the fruits of prolonged labour; 4)the loss of beloved persons through the acts of others over which one has little or no control; 5)rotting in prison, being burned at the stake, or even simply losing the means of livelihood for the expression of heretical or unpopular beliefs. Due to cultural and social conditioning some groups of people are better able to withstand suffering than others, and culturally sanctioned attitudes towards suffering vary considerably. Through ascetic practices human beings have deliberately taken upon themselves enormous amounts of misery. But they have done so in order to achieve some higher good or form of happiness. As the anthropologist Clyde Kluckhohn has pointed out, no known human culture has made of suffering an end in itself...This conception of the unitary nature of human suffering, unitary at least in comparison with human happiness, is helpful in resolving some of the vexing issues of the proper role that subjective evaluations and moral judgements may or ought to play in social analysis.'

The idea of suffering is far less fragmented than most evaluative concepts. It seems to me that Moore's notion of using human misery as a sort of near-universal upon which to base moral definitions and action is especially reasonable and useful in forming our definition of human rights.

This conception calls for, perhaps, a more restricted repertoire of rights than is usual, since, as Moore points out, the list of things which are universally felt to cause unjust suffering, is rather small. The list is mainly concerned with oppression which will directly threaten life and limb. The rights which we could derive from this would then also be very

'Barrington Moore Jr., Reflections on the Causes of Human Misery, and Upon Certain Proposals to Eliminate Them, (Boston: Beacon Press, 1969), pp. 1-2.

closely related to these kinds of violations. Rights violations which are less directly threatening or which cause less direct suffering would be either set aside, or greatly reduced in importance. This, however, I think would be worthwhile in order to gain a firmer foundation.<sup>10</sup>

It is worth noting that using Moore's criterion drastically changes the ranking and categorizing of rights which we see within the context of the United Nations. It is dangerous to posit first and second rights: if "first" rights are seen as preconditions for the rest, it is easy for governments to continue forever not to grant them, knowing that the first rights will never be attained perfectly. Still, human beings are chronically inclined to classify things, and our limited capacity for lending attention and compassion to issues, as well as our limited resources, demand that we set priorities regarding which rights are the most important.

Currently in the the United Nations, we have two Covenants which make up the Bill of Human Rights: the International Covenant on Economic, Cultural and Social Rights, and the International Covenant on Civil and Political Rights.<sup>11</sup> Over the 40 years since the Declaration of Human Rights was written, the human rights debate has ossified around these two concepts of rights, so that there now seems to be a permanent dichotomy in our thinking. This division is evidenced by the extent to which writers on the subject feel obliged to defend connecting, or discussing together, the two kinds of rights. Exchange at the international level very often sees nations talking past rather than to one another. The Western nations tend to discuss the POLICIV rights, while the Eastern bloc and Southern nations debate the ECULSOC rights.

Moore's criterion, however, would cut across this conceptual division. The new categories which would result from using human misery as the measuring rod, could build the bridges that are needed in order to connect the rights discussion. Simply injecting new life into

<sup>10</sup>Pocklington also points out the political and social dangers, through raised expectations and the strain on human and material resources, which an expansion of rights carries with it. See Pocklington's, "Against Inflating Human Rights".

<sup>11</sup>Since the names of these two types of rights are long, and I will have occasion to use them often, I shall use the abbreviation "ECULSOC" to refer to the economic, cultural and social rights, and the abbreviation "POLICIV" to refer to the political and civil rights.

debate at the international level would be of great value, because discourse will keep the concept alive and will produce new and innovative ideas which can help to overcome the limits of our systems and structures. But, of course, discussion is never enough by itself, and this brings us to the question of implementation.

Can we implement observance of human rights at the international level? The realists would say this is impossible, and that power--not altruism or morals--will be the deciding factor. And, the skeptics like to point out that while we have had a proliferation of human rights instruments and covenants at the international level, we have also had a proliferation of human rights abuses around the world. There is no international sovereign, so there is no hope of imposing respect for human rights internationally.

It seems to me that this conclusion is the result of two basic errors in thinking about human rights at the international level. The first mistake is to imagine that something is wrong with the *system* because human rights abuses continue to occur. As pointed out above, the violation happens first, and the recognition of human rights, along with redress for the violation, comes afterwards. While we can demand that as many preventative steps as possible (e.g. education, and structural, institutional changes) are taken, no government can be expected to stop human rights violations from happening at all. We do not expect this at the national level, and it is puzzling that it seems to be expected at the international level. But what we can demand is that there be compensation when a rights violation occurs. The government which is operating properly must step in to punish the wrongdoers, and make reparation, if possible, to the victims. So to criticize the United Nations for not stopping rights violations is senseless; but criticism regarding the response *after* a rights violation occurs has a necessary and useful place.

The second mistake is to assume that, since all nations will always use their power in their own interests, there is *no* way of preventing violations. Even if this *is* true, it is also true that values which are absorbed at a very fundamental, cultural level will become an "interest" for people and will affect their use of power. If a deep reverence for human rights becomes part of individuals' morality, so that violating them is regarded as abnormal and repugnant,

there are bound to be fewer offenses. Education, both formal and informal, is the tool for building human rights into cultures. This is part of the reason why continuing the discussion at the international level is so important: the discussion itself can have an important educating impact. And those who dismiss the standard-setting, monitoring and advisory service functions of the UN as impotent, ignore this vital function. It is possible that through education the Kantian upward spiral of morality could be started. In any case, incrementalism is not to be decried. There is no chance of influencing peoples' fundamental beliefs overnight; the *only* way of going is slowly.

There are good reasons to fight for respect for human rights at the international level, as well as hope that something can be accomplished. For Canadians, then, the immediate questions are: how has Canada fought, and what are the possibilities for a future role for Canada as a human rights promoter?

## II. CANADA'S DEFINITION OF HUMAN RIGHTS, AND ITS VIEW OF ITS OWN ROLE

Canada's definition of human rights, and its definition of its own role in promoting these rights has been governed by two major influences. The first is the Western tradition of rights, including the appraisal of human rights as an intensely moral issue. The second is the tradition of multilateralism that Canada has established, especially within the context of the United Nations.

### A. THE WESTERN TRADITION OF RIGHTS

From the Western tradition of natural rights, Canada takes its predilection towards the POLICIV rights. These come to the fore when rights are under discussion. An example of this is the overwhelming attention given by the Standing Committee on Human Rights to the POLICIV rights problems in the Eastern bloc. Very often in government documents, the idea of human rights is paired with that of democracy (for example, "Promoting effective cooperative programs of democratic and human rights development is a desirable objective..."<sup>12</sup> and "...the determination to defend human rights and democratic values informs Canada's interests..."<sup>13</sup>) The most recent manifestation of this is in the name of the newly established International Centre for Human Rights and Democratic Development [ICHRDD], whose title seems to imply that democratic development is as important as all other human rights taken together.

This focus on POLICIV rights, while certainly following Western tradition, is not by any means illogical or merely ideological. Indeed, the issues of the day seem to force themselves upon the world's attention in these terms. The problems in South Africa, Afghanistan, the Middle East, Kampuchea, and Central America--the areas which have appeared consistently as special concerns in Department of External Affairs Annual Reports--cannot be solved without addressing the questions of civil and political liberties

<sup>12</sup>Government of Canada. Canada's International Relations: Response of the Government of Canada to the Report of the Special Joint Committee of the Senate and the House of Commons (Ottawa: Supply and Services, 1986) p. 79.

<sup>13</sup>Ibid., p. 23.

which require immediate attention. It is indeed hoped that in all these areas social and economic conditions may improve, but it is difficult to see how this may begin to happen if the poor and suffering are not immediately granted power in the form of civil and political liberties. In contrast, purely economic deprivation is not, in appearance, linked so directly to anyone's dispossessing others of what is rightfully theirs (e.g. food). Instead, it usually seems due to a rather faceless connivance of environmental distress, overpopulation, undereducation, and neglect. In other words, except in cases where, for example, the Ethiopian government does not allow food aid to be delivered to the starving or Renamo militants force Mozambican peasants off their land and burn their crops, situations of economic and social deprivation do not normally seem to call for someone to *stop* doing something oppressive to people. But with the oppression of civil and political liberties, this is very often quite clearly the case, and there is something immediate which may be done to restore the loss of liberty.

Stanley Hoffmann expresses the idea this way:

Those who believe in the superior status of personal, civil, and political rights point out that they are all rights against the state which limit the state and require its abstention, and they are therefore, so to speak, cost free. No state, at whatever level of development has really any excuse for not granting them, precisely because this requires abstention--whereas the granting of economic and social rights may well be beyond the capacity of many governments.<sup>14</sup>

Nonetheless, the Canadian government has made constant efforts to address the full range of human rights, so that its definition of rights could not be considered merely onesided. It has, after all, as it likes to point out,

ratified all of the major international human rights instruments of the United Nations and most of the important instruments of the ILO and UNESCO. These provisions cover the full range of obligations, from civil and political rights to economic, social and cultural rights.<sup>15</sup>

Canada voted in favor of the Declaration on the Right to Development which was passed during the Forty-First Session of the United Nations General Assembly.<sup>16</sup> The most recent and dramatic attempt by the Canadian government to consider economic and social

<sup>14</sup>Stanley Hoffmann, Duties Beyond Borders (Syracuse, New York: Syracuse University Press, 1981), p. 100.

<sup>15</sup>Government of Canada, Canada's International Relations, p. 24.

<sup>16</sup>External Affairs, Canada, Department of External Affairs, Annual Report, 1986/87 (Ottawa: Supply and Services, 1987), p. 33.

conditions in conjunction with human rights, is its inclusion of human rights as an important aspect of its development aid policy. Whereas the 1986 Annual Report from CIDA included not a single reference to human rights, the new policy document, Sharing Our Future, dedicated a chapter to the question of development and human rights, with provisions for ensuring that human rights becomes an integral and consistent part of development assistance policy in the future. However, the linking of human rights to development assistance has the effect of reinforcing traditional POLICIV definitions of human rights, rather than broadening the definition. For, the link is intended to give Canada a means of withdrawing aid when recipient governments misbehave: the misdemeanors that are penalized are in the area of the POLICIV rights. It would be ridiculous to withhold aid from a government that is failing to provide for its citizens' social and economic rights, since these are precisely what the aid is intended to promote. Thus, even if a government is negligent or lazy in ensuring development, it will not be censured in the same way as a government that aggressively takes away citizens' political and civil rights.

Since Canada is involved in development assistance, it is not neglectful of the ECULSOC rights. However, by its own definition, development assistance is seen as a humanitarian and practical/self-interested aspect of its foreign policy, rather than as part of its promotion of human rights (see the chapter headings in recent Department of External Affairs Annual Reports). Its own definition of human rights, and of what may be accomplished in the field of rights, focuses on the POLICIV rights, and the development of democratic institutions. Thus, for example, as the Response of the Government of Canada to the Report of the Special Joint Committee of the Senate and the House of Commons states, the Canadian government sees its role in human rights promotion as one of "collaborat[ing] actively with developing countries as they seek to evolve their own democratic institutions and mechanisms for human rights promotion."<sup>11</sup> The 1987 CIDA training courses (on Principles of an Electoral System) offered to Haitian officials, is indicative of the kind of action the Canadian government is willing and eager to take in promoting human rights.

<sup>11</sup>Government of Canada, Canada's International Relations, p. 24.

Another aspect of the Western tradition is the moral force which the concept carries. Canadians have profound convictions that to mistreat human beings by imprisoning them without trial, starving them, torturing them, enslaving them, or otherwise abusing them, is simply wrong. It is this moral conviction and outrage that compels some people within the system to keep trying to make a difference in the face of seemingly endless odds against.

Assuredly, there is a recognition of the moral pluralism that exists, and of the difficulty that arises in trying to establish moral standards by which the actions of everyone might be judged. Still there is the strong conviction that such standards must be pursued, that attempts to find universals must not abate, and that in the meantime, we cannot ignore our own consciences, culture-bound as they may be.

This desire to promote abroad domestic convictions is fuelled by Canadians' increasing awareness of issues and problems around the world--an important element in the demands which domestic constituencies make on our government. Certainly, the Canadian public seems to have become increasingly concerned about human rights, and shows a strong desire for the government to include this as a high priority item on its foreign policy agenda. Recent foreign policy reviews point out this trend. For example, the authors of the Report of the Special Joint Committee on Canada's International Relations, Independence and Internationalism, in the section entitled, "How Canadians View Their Foreign Policy," note that:

Many witnesses called for a more significant human rights component in Canadian foreign policy. Several groups advocating this view...criticized the passing reference to human rights in the Green Paper, and proceeded to argue that, "human rights [should] be, and appear to be, one of the main principles and co-determinants of Canadian foreign policy..." We were impressed by the growth in public support for a human rights dimension to Canadian foreign policy, a trend that is likely to persist. We see this evolution in public attitudes as part of a worldwide recognition that human rights are now a concern of the world community, symbolized by acceptance of the Helsinki Final Act at the Conference on Security and Cooperation in Europe in 1975. For Canadians an additional impetus has been the entrenchment in the Constitution of the Charter of Rights and Freedoms...We want to affirm what so many Canadians proclaimed before the committee: that the international promotion of human rights is a fundamental and integral part of Canadian foreign policy. It is a vital and natural expression of Canadian values. It is not interference...It [the promotion of human rights] is rejected in some quarters as unacceptable interference in the affairs of sovereign states. We insist, on the contrary, that the behavior of governments, like that of individuals, is subject to universal values. It is not interference to pass judgement on a government's conduct and to adjust relations accordingly. Actions such as terminating aid or trading relations are exactly the

opposite of intervention in the affairs of another country.<sup>19</sup>

Canadian foreign policy documents indicate that human rights is now being placed higher on our foreign policy agenda. While the 1981 Department of External Affairs [DEA] Annual Report makes only brief mention of human rights activities, and seems to accord them no special status, noting only that "Canada...continued its activities in the promotion of human rights"<sup>19</sup>, the 1983/84 Annual Report calls human rights "an important element" in Canadian foreign policy.<sup>20</sup> By 1986, human rights was being called "one of the central elements of Canadian foreign policy,"<sup>21</sup> and the Report for that year noted increased activity in the area. The latest report, for 1987/88 says that "[h]uman rights are an integral element of Canadian foreign policy..."<sup>22</sup>

But even though the rhetoric regarding the importance of human rights seems to be rising to a new level, it is difficult to measure the substantive commitment. One way of measuring is by examining how much cost the government is willing to bear in pursuit of its ideal. An examination of the specific tactics used by the Canadian government to protect human rights, should reveal the extent to which this costly commitment exists: we shall return to the question of assessment after surveying Canadian international action in the field.

## B. MULTILATERALISM

Consideration of Canadian activity in the field of human rights leads naturally to the second influence on Canada's rights involvement: a dedicated multilateralism. Included in this is the theme of interdependence, which is a backdrop for all of Canada's foreign policies; and there are the peculiarly Canadian tools or "pillars" of statecraft: middlepowermanship and

<sup>19</sup>Special Joint Committee on Canada's International Relations, Independence and Internationalism (Ottawa: Supply and Services, 1986), pp. 15-16, and 99.

<sup>19</sup>External Affairs, Canada, Department of External Affairs Annual Report, 1981 (Ottawa: Supply and Services, 1982), p. 57.

<sup>20</sup>External Affairs, Canada, Department of External Affairs Annual Report, 1983/84 (Ottawa: Supply and Services, 1984), p. 15.

<sup>21</sup>External Affairs, Canada, Department of External Affairs Annual Report, 1985/86 (Ottawa: Supply and Services, 1986), p. 25.

<sup>22</sup>External Affairs, Canada, Department of External Affairs Annual Report, 1987/88 (Ottawa: Supply and Services, 1988), p. 33.

the functional principle.

## INTERDEPENDENCE

Louis St. Laurent's statement about interdependence in Canadian foreign policy is famous: "we are all conscious of the danger to our own political institutions when freedom is attacked in other parts of the world."<sup>23</sup> This belief in the indivisibility of liberty is carried forward to the present day. Indeed, it has been broadened and heightened: broadened to include the concept of the profound economic interdependence of the modern world, and heightened to include the piquant and frightening reality of modern techniques of destruction. Almost every document dealing with Canadian foreign policy begins with some formal recognition of Canada's inextricable links with all parts of the world, and of the thus increasing desirability of fostering a stable and prosperous world for a stable and prosperous Canada. For example, the recent document on Canada's Development Assistance policies, Sharing Our Future, begins (in language that is also strongly reminiscent of the Mulroney government's policy directive, Competitiveness and Security) with the observation that:

There was a time, not so long ago, when the notion of global interdependence had meaning for very few people. That has changed. Rapid growth of the world's population, the technological revolution, and other factors have brought all the world's people much closer to each other. Events in distant lands can have immediate impact on Canadian prices, profits, and prospects. Political and social instability, anywhere in the world, can breed insecurity and fear here at home. Equally, the advance of freedom and justice, anywhere on earth, brightens everyone's future....Interdependence is no longer a vague notion, but a central fact of daily life.

<sup>24</sup>

This notion of interdependence, and of the indivisibility of freedom and justice is of obvious direct relevance to the Canadian government's actions in the field of human rights. There is a sense not only of a responsibility to promote peace and order, but also of a pressing need to do so.

<sup>23</sup>Louis St. Laurent, "St. Laurent on the Principles of Canadian Policy," in J.L. Granatstein, ed., Canadian Foreign Policy: Historical Readings (Toronto: Copp Clark Pitman, 1986), p. 27.

<sup>24</sup>Canadian International Development Agency [CIDA]. Sharing Our Future (Hull, Quebec: Supply and Services Canada, 1987), forward.

This need is not, perhaps, easily expressed by a state which has never been by anyone's accounting, least of all its own, powerful enough to place its agenda at the centre of world attention. For a Middle Power to take the lead in the international arena is not an easy task, but Canada's multilateral style has been useful.

Canada's multilateral human rights activities are many. To begin with, a Canadian, John Humphrey, was instrumental in drafting the Universal Declaration of Human Rights. Since that time, Canada has consistently served on the United Nations Commission on Human Rights (Canada did not seek re-election when its last term ended in 1985, having just completed three consecutive three-year terms, but has now been re-elected for the 1988 term). Having ratified the Optional Protocol, Canada submits itself to the authority of the Human Rights Committee, which can receive complaints from individuals or groups within the country, and Canada regularly submits reports detailing the steps it is taking to reach full achievement of the wider range of rights listed in the International Bill of Human Rights and the Covenants to which it is signatory.<sup>25</sup> Canada has been active in drafting further reports on rights within the United Nations, such as the Declaration on the Right to Promote Human Rights, or the Report on Human Rights, and the Massive Exodus of Peoples.<sup>26</sup> Canadians serve on subcommissions, monitoring bodies, and working groups. The Canadian government has instituted a

consultative network, involving provincial, territorial, and federal authorities...enabl[ing] Canada to present comprehensive reports to international bodies incorporating all available information on the state of human rights within the country.<sup>27</sup>

Canada regularly hosts international meetings of various human rights bodies (e.g. the 1985 Human Rights Experts Meeting of the CSCE [Conference on Security and Co-operation in Europe] in Ottawa, and the 1985 United Nations International Colloquium on the Rights of Minorities in Quebec City. The Canadian government utilizes its many multilateral associations to raise human rights concerns: most recently, it has appeared as a major agenda

<sup>25</sup>United Nations, UN Chronicle, Vol. XXV., No. 1 (March, 1988), pp. 47 and 51.

<sup>26</sup>External Affairs Affairs, Annual Report, 1985/86, p. 25.

<sup>27</sup>External Affairs, Canada, Department of External Affairs Annual Report, 1986/87 (1987), p. 33.

item of the Commonwealth. These are only to mention a few of the areas of activity which Canada has assiduously pursued over the years.

### MIDDLEPOWERMANSHIP

Within the context of multilateralism, middlepowermanship is a useful tool for Canada, as a Middle Power, to promote its foreign policies. The concept has encouraged successive Canadian governments to determine not to be "left out" of important international fora. This has been the case right from the unsuccessful bid in the early years of the United Nations for a Canadian seat on the Security Council, to the more recent successful attempt to become a full-fledged member of the Group of Seven Economic "Club." On the other hand, the Middle Power concept brings with it a judicious realism which has served Canada well. This realism has meant that while Canadian officials use as wide a range of means as possible to reach their objectives, they must act within the context of the multilateral institutions in order to give force to their international policies. They demonstrate a willingness to accept a certain degree of incrementalism in reaching foreign policy objectives, and with this, a dogged persistence which is not willing to give up a cause simply because there are no immediate results.

Under the Mulroney administration, this realism has been given the catch-phrase of "constructive internationalism" (e.g. Department of External Affairs Annual Report, 1985/86, p. 2). The term seems to be intended to convey two impressions. One is the concept of being *active* internationally.<sup>21</sup> The other is the idea of taking a sober reflection of our own capabilities and limitations, and, accordingly, taking a modestly "constructive" rather than an abrasive or confrontational approach.

### FUNCTIONALISM

The need for a Middle Power to assess carefully and to strengthen the possibilities of international action, was part of the motivating force behind the enunciation of the functional

<sup>21</sup>See also External Affairs, Annual Report, 1986/87, p. 2.

principle in Canadian international relations. Kim Richard Nossal describes the formulation of the principle thus:

[T]he Canadians formulated the so-called "functional" principle of representation. Functionalism asserted that in those areas where a smaller state had both an interest and expertise, it should be regarded as a major power. The limited acceptance of this principle during the war led to enhanced Canadian activity in such areas as civil aviation, atomic energy, and international trade...<sup>29</sup>

In view of the activities in which Canada has been involved over the years, it is arguable that human rights could now be considered one of Canada's functional issue areas, or areas of expertise. Canada could, perhaps, be regarded as a "human rights Great Power," or at least as aspiring to be one.

This expertise is given some tacit recognition by other states. There is, for example, the very positive welcome with which the idea of establishing the ICHRDD in Canada has been received by many countries. Recently, there is the high profile role which Canada has taken on the apartheid issue within the context of the Commonwealth. The mediating role which Canada played in preventing the deep divisions between Britain and the rest of the Commonwealth from creating a permanent rift at the 1987 Commonwealth meeting in Vancouver, shows leadership on this issue. There are also the observer missions in which Canada participates, overseeing elections-proceedings in many countries (for example, in the 1986 Philippine elections).

Particularly within the Commonwealth, the feeling seems to be that since Canada has, over the years, forged for itself considerable expertise in the field, it should also shoulder responsibility in calling the international community to attend to human rights, and in doing the actual monitoring and reporting work, on the ground. This is in perfect keeping with Canada's own formulation of the functional principle, according to which, states are to have a great amount of responsibility with respect to issues on which their ability/resources are great.<sup>30</sup> It is at least partly due to the strength of this notion of responsibility arising out of expertise, that the African Commonwealth nations expressed such deep disappointment with Canada's low key performance at the August, 1988 Commonwealth Ministers' Conference in

<sup>29</sup>Kim Richard Nossal, The Politics of Canadian Foreign Policy (Scarborough, Ontario: Prentice-Hall, Canada, 1985), pp. 10-11.

Toronto. But, if this responsibility is indeed taken seriously, Canadians will increase their activities in the defense of human rights; this will in turn give them more expertise, eventually leading to even greater responsibility in the field, and so on. Thus, the functional principle, applied to this area where Canada is arguably a leader/expert, results in an upwards spiral of involvement.

Increased public awareness and support is doubtless a great push in the upward movement of this spiral. Yet, many of the Canadian government's activities in promoting human rights internationally are "invisible" to the general Canadian public; these activities (such as the on-going work on various UN Committees and Working Groups, reporting to the the UN Human Rights Committee, the painstaking "standard-setting and defining" work, and consultations with human rights groups and organizations), persist quietly and consistently behind the scenes. However, if Canada's expertise is recognized, according Canada some prestige internationally, there is a built-in motivating element for Canada to maintain, if not increase, present levels of activity in the field. For a Middle Power which craves, but has some difficulty in obtaining, recognition as more than simply "the greatest of the least," the advantages of building up internationally-recognized areas of expertise, are compelling. To become a human rights Great Power is an appealing goal. Thus there is a structural push towards increased involvement. Domestic interest groups, pressuring the government for an increased commitment to human rights, could presumably also make use of this structural push to their advantage.

But, naturally, even expertise, interest, shouldering of responsibility, and high levels of involvement, are not enough to move states that abuse human rights. Multilateralism serves the further function of giving states a means of uniting their efforts.

Multilateralism is accompanied by a dedication to the rule of law in international relations, and to the institutionalization and regularization of international affairs. In this way, it is hoped, states can be "tamed." Institutionalization of relations is meant to constrain states in the short run, and to educate and civilize them in the long run, so that reason rather than passion might prevail between nations. "Standard-setting" is perhaps one way of

building these constraints. Where human rights are concerned, this is at present, the major way in which institutionalization and rule of law are created. Thus, Paul Sieghart, in his book, The Lawful Rights of Mankind, asserts:

[I]t is...now strongly arguable that the Universal Declaration of Human Rights is becoming, if it has not already become, part of customary international law, and so binding on all states, regardless of any treaty obligations...The rights and freedoms listed in the Universal Declaration were... distributed between two treaties--on this occasion called Covenants... But what is crucial is that, where performance still falls short of the promise [of the Covenants] the shortfall is no longer merely regrettable, or even deplorable: for these states it is now incontrovertibly *illegal*.<sup>30</sup>

Although many are considerably less sanguine about the actual force of international law, it is apparent that the Canadian government is largely in sympathy with this view. Thus, the Department of External Affairs Annual Report for 1986/87, after listing the various standard-setting and monitoring activities Canada is involved in, concludes with:

Canada's main statement to the Commission expressed concern at continuing violations of human rights in many parts of the world. It stressed the need for improving the UN's machinery in order that treatment of evidence, presentation of allegations, decisions for action by the Commission and other matters are judged more objectively and less by political factors.<sup>31</sup>

This view that the world may somehow be "civilized" by standard-setting and law-making machinery is balanced by a healthy skepticism. In To Benefit a Better World, the authors make the statement that:

Such standards as currently exist internationally, in particular, the Universal Declaration of Human Rights, and the International Covenants on Civil and Political Rights, and on Economic, Social, and Cultural Rights, are very general in nature. Because of the diversity of legal systems, social values and traditional structures, it is difficult to draw fixed and coherent rules in an area as controversial as human rights.<sup>32</sup>

However, given the plethora of international human rights activities in which Canada is involved, it appears the Canadian government has decided that, on the whole, it is worthwhile taking the general guidelines and insipient laws, and working to make them more specific and forceful. For Canada--indeed, for all states--since there is no International Sovereign able to judge and impose its will on the community of states, multilateral

<sup>30</sup>Paul Sieghart, The Lawful Right of Mankind (Oxford: Oxford University Press, 1986), pp. 64 and 66, emphasis in the original.

<sup>31</sup>External Affairs, Annual Report, 1986/87, p. 33.

<sup>32</sup>Canadian International Development Agency, To Benefit a Better World (Ottawa: Minister of Supply and Services, 1987). p. 50

associations are vital for pursuing these goals at all. Perhaps by binding states through agreements, covenants, commitments, and obligations to one another, a kind of "web" of constraints--each thread in itself too weak to change states' behaviors, but taken together in a complex arrangement composing a strong whole--can curb the raw force and self-interest of sovereign states.

If this is so, multilateral fora provide for Canada a means of taking the initiative and acting offensively--at least in relation to certain issues. As a Middle Power, without the binding force of international agreements, obligations, and co-fraternity through association, Canada would be largely doomed to merely reacting to events from the exterior environment. But through multilateral associations, it has the opportunity of at least in some measure *shaping* this international exterior environment. In the field of human rights, Canadians have very much taken this "wisdom" of the concept of multilateralism to heart.

### III. PRACTICAL SUASION: LINKING HUMAN RIGHTS TO INSTRUMENTS OF FOREIGN POLICY

It is difficult for a so-called Middle Power to influence the behavior of other states. As a result, Canadians have found it necessary to develop their special "pillars" of foreign policy precisely because there are limits on the practical influence it can have internationally. Notwithstanding these problems, however, Canada does act in order to persuade other states to take certain actions.

Canada has at its disposal the full range of foreign policy tactics. Kim Richard Nossal defines a continuum of techniques of power which touch on all the possible strategies. First, there are violent sanctions, or war; next, non-violent sanctions, or the deprivation of things of value, but not by the use of force; third, there is coercion which he defines as the *threat* of deprivation of things of value; of less intensity is inducement, or the offer and/or granting of rewards for preferred behavior; finally, there is the technique of persuasion or diplomacy, designed to, through the use of argument or entreaty, change other state(s) beliefs, positions, or actions.<sup>33</sup> How does Canada use each of these tactics, and which techniques are the most fruitful? In the section which follows, I shall examine Canada's actual involvement. Because South Africa is currently a very important issue for the government, that country will be almost ubiquitous in the discussion which follows.<sup>34</sup>

#### A. VIOLENT SANCTIONS

The first, and most extreme, of these techniques of power--violent sanctions or war--can be dispensed with fairly quickly, not because it is a simple or unimportant issue, but because it is largely irrelevant to the practice of Canadian foreign policy. Canada is not militarily strong enough to push its weight around in this way should it be so inclined. Even in extreme circumstances where war seemed inevitable, Canada would not be likely to go alone, but would enter war multilaterally, along with its allies. This was the case during the

<sup>33</sup>Nossal, The Politics of Canadian Foreign Policy, pp. 19-24.

<sup>34</sup>Nossal's second, third, and fourth techniques will all be considered part of non-violent sanctions.

First and Second World Wars, and during the Boer and Korean Wars.

With respect to the issue of human rights, war seems an eminently ill-suited instrument of statecraft. It is difficult to imagine that except in the very most desperate conditions, war, which would bring with it incalculable human misery, could improve a bad human rights situation. So, for example, when the Ethiopian government bars relief groups from bringing food to the starving within its borders, the international community does not respond by bombing Addis Ababa and thereby increasing the suffering in that country; rather, other countries respond by running airlifts of food supplies to the Ethiopians in need, with--and this is not negligible--considerable risk to themselves.<sup>35</sup> In other words, the international community deems it appropriate to incur risks in order to see that the food shortage in Ethiopia is solved in as direct and peaceful method as possible.

However, it is possible that a state could mistreat its citizens so abominably as to "outrage the conscience of mankind"; in this situation, the questions are whether it becomes a moral obligation for other states to intervene directly on behalf of the oppressed, and whether the intervention must take the form of armed conflict. Since the Treaty of Westphalia in 1648 which saw the formalization of the principle of the sovereignty of states, the common wisdom has been that states should not intervene in each others' affairs.<sup>36</sup> This seems to be an obvious corollary of the principle of sovereignty.<sup>37</sup> Writers such as Grotius, Wolff, Vattel, J.S. Mill, have produced their own variations on the theme; but the central theme has remained intact: intervention, if to be allowed at all, is only for the very most extreme cases.

However, unless non-intervention can be postulated as the highest good, automatically out-trumping any other consideration, one can not be a universal non-interventionist. Non-intervention is a principle for judicious action, not a moral good. That is to say, a principle like non-intervention cannot be placed in the same category as, for example, a virtue such as charity. If non-intervention is good, it is because of something else--because of something which the principle is itself based on or defends, such as "respect for the right of

<sup>35</sup>"Ethiopian Airlift Planned," Globe and Mail, 18 May, 1988.

<sup>36</sup>Caroline Thomas, New States, Sovereignty, and Intervention (Aldershot, England: Gower House Publishing Co., 1985), p. 3.

<sup>37</sup>Vincent, Human Rights and International Relations, pp. 113-118.

others to order their own lives". It may be, then, if "respect" (or something akin to it) is the "good" upon which non-intervention is based, that sometimes non-intervention may have to be abandoned in order to preserve the moral virtue. So, the overriding concern is not the principle of non-intervention itself, but rather, the good things which the principle upholds.

Therefore, while we may be able to say in general that non-intervention is "good" because it leads to the greatest international good, we cannot preclude a priori that sometimes this may not be the case. When very great evil exists, the principle of non-intervention does not deserve to be held sacrosanct; enshrined, it does not allow us to distinguish morally between a Hitler and a Gandhi: the most we can do is to react to them, should our own security interests be directly threatened (i.e. self defense).

If non-intervention is not in itself an absolute, but if there *do* exist moral absolutes, the principle of non-intervention clearly can not always stand. It may have to yield to a greater principle. However, there still remains the problem of people having different sets of moral "absolutes," and this alone would make it impossible for there to be agreement on when intervention is justified; there is the added difficulty that people have limited access to information when weighing all the factors contributing to a situation which might require intervention. Given these problems, it seems doubtful we can ever be certain that we are right to intervene. The example which springs to mind of a situation about which there existed widespread agreement on the need to intervene, was Nazi Germany. It does not belie the reality of the moral conviction to note that states intervened because they also saw their own safety in peril (i.e. there were also self-interested reasons for the intervention).

Even in the most extreme cases, intervention is difficult to justify, and frightening to contemplate. A breach of the inviolability of the sovereignty of states could cause the dam-burst that would send armies pouring out into each others' territories to advance their selfish interests.

R.J. Vincent argues convincingly that morality has no borders, and that if something is right (i.e., in this case, helping the oppressed), it is right in other states as well as in one's own. Thus, morality seems to demand that at some point we intervene in other states' affairs

in order to protect those who are perishing under oppression. However, he goes on to say:

...any principle of humanitarian intervention would issue a licence for all kinds of interference, claiming with more or less plausibility to be humanitarian, but driving wedges into international order. So, because of their suspicion of each other, and their worries about the causes and effects of intervention, the members of international society are united by a principle of non-intervention which bears witness to their minimal solidarity; not the absence of morality, but the recognition of its limits.<sup>31</sup>

This seems poor shift indeed; but it is a pragmatic calculation of the bitter reality in a world of sovereign states undisciplined by any higher authority, and ununited by any common moral culture. It is at least partly because of this dilemma that the people of Cambodia under Pol Pot, or the people of Uganda under Idi Amin, were not rescued by the international community. For Canada, because it is by self-admission incapable of entering into war unilaterally, the dilemma is much less urgent. If Canada were to go to war in the defense of an oppressed people, it would be in a co-ordinated effort with its allies. In this context, Canada would not simply have to defend its own reasons for entering into conflict, but could point to the widespread agreement within the international community regarding the illegitimacy of another government's actions. Although it is quite possible for the many--just as well as the one--to be in error in condemning others, it seems much less likely, if only because of the difficulty of uniting international opinion unless a state is engaging in exceedingly atrocious acts. The choice of a violent method to stop such a state, however, is fraught with difficulty: it may do more harm than good, or may prolong rather than end the struggle. There is even great reluctance to be associated with violence indirectly, as evidenced recently by Canada's unwillingness to supply the Mozambican army with even non-lethal equipment, such as boots.

All of this results in the unhappy situation where despots may butcher their populations with impunity, while the international community remains helpless to intervene, for fear of making things worse. Non-intervention appears to be both a council of despair, and a morally impoverished principle: but we have nothing better. Canada is happily spared the problems of applying violent sanctions. And, with respect to human rights, the preferred

<sup>31</sup>Vincent, Human Rights and International Relations, p.114.

methods are firmly within the realm of non-violent measures.

## B. NON-VIOLENT SANCTIONS

In the area of non-violent sanctions, there is none of the same squeamishness about interference. Our government accepts, as a commonplace of international relations, that the world is now interconnected and interdependent to an extent which makes it impossible that what individual nations do will not affect the rest. Thus, on the basis of self-interest and self-protection, Canada considers it has a right to involvement in matters that originate outside its borders. Since a corollary of this view of the world's interdependence is that few matters originating inside a given state are entirely contained there, there are few issues on which Canada should not arguably have at least some say. This calls for a very active internationalism.

The Canadian government goes further than this, though. In its response to Independence and Internationalism, it made the following claims:

Concern for the fundamental right of individuals and groups is intrinsic to Canadian society and Canada's historical heritage. In the Charter of Rights and Freedoms and in the provincial human rights statutes, Canadians have set for themselves high standards of human rights.

It is both logical and proper that standards which we promote within Canada should find full expression in Canadian foreign policy.<sup>39</sup>

There is no question that Canada will abstain from promoting abroad its own ideas of human rights; this is certainly due to the fact that human rights is for Canadians a moral issue. As R.J. Vincent puts it:

...no human being can seriously hold some ethical principle to be right, or imperative, without wishing that others deem it right, or imperative. 'I believe in the maxim, "Thou shalt not kill", but it ~~does~~ doesn't matter if *you* don't,' is a curious moral doctrine.<sup>40</sup>

This is simply the recognition that it is pure nonsense to pretend we can go into the world and have relations with anybody, without taking our moral convictions along. The Canadian government does not try to justify taking actions against oppressive regimes, but assumes action will be taken, and the debate is about *which* actions, and *when*.

<sup>39</sup>Government of Canada, Canada's International Relations, p. 23.

<sup>40</sup>Vincent, Human Rights and International Relations, p. 56.

In the area of non-violent sanctions, Canada has several options to pursue in persuading other states to protect human rights within their borders. Nossal describes non-violent sanctions as "deprivation of things of value, but not by use of force."<sup>41</sup> There are several "goods" which Canada can make contingent upon human rights performance: trade, aid, loans, and, in the context of multilateral associations, community membership.

These "goods" or "levers", it must be noted, may not always--or even often--be joined to other foreign policy goals, since they will often be valued as ends in themselves; and when they are linked to other foreign policy objectives, human rights is but one among many. Thus, the following, which concentrates on linking these to human rights, may seem to cast human rights as automatically the most important consideration. It is possible to say, in general, that human rights as a foreign policy goal is very important and, indeed, at the heart of our world view. But its relative weight, in relation to other foreign policy objectives, must be determined according to the merits of each case.

#### ECONOMIC SANCTIONS

Linking trade and loans to human rights performance is one of the few practical ways of gaining some leverage. In The Politics of Canadian Foreign Policy, Nossal makes the following assessment of Canadian use of trade sanctions as a strategy to influence the actions of other governments:

Canada has a limited capacity for applying nonviolent sanctions against other states, and has shown a limited willingness to use them. Canada joined the sanctions against the illegal government of Ian Smith in Rhodesia in the mid-1960s; against India after New Delhi exploded a nuclear device; against the Soviet Union after the latter's invasion of Afghanistan in December 1979, after the Polish crisis of December 1981, and after the shooting down of the Korean Airlines 747 in 1983; and against Argentina in 1982.

However, not in all cases does the Canadian government use such techniques in the expectation that their use will have an effect on the behavior of the target. One of the by-products of the concentration of Canada's trade with the United States and the small size of the Canadian economy is that few states are sufficiently *dependent* on Canada that sanctions mean very much. If boycotted or embargoed, they will take their business elsewhere. Often sanctions are a largely symbolic *ex post facto* means of punishing a state for actual or assumed transgressions of acceptable international behavior.

<sup>41</sup>Nossal, The Politics of Canadian Foreign Policy, p. 19.

Not unnaturally, given the importance of trade to Canada's economy, governments in Ottawa have shown a marked reluctance to use this technique. For example, Mackenzie King refused to take the initiative in sanctions against Italy in the 1930s, and all post-war governments refused to join the United States in its embargoes of China in the 1950s, or Cuba in the 1960s and 1970s. For this, Canada would be characterized as the "Phonecians of America. Their ships and their cargoes go where there is business to be done." If sanctions are pressed upon it by others, Ottawa has shown an historical predilection for a multilateral application.<sup>42</sup>

This passage points out two of the realities which, for Canada, seem to belie the usefulness of linking trade to other foreign policy objectives such as promoting human rights. First, trade is very important to the Canadian economy, and there is a corresponding difficulty with committing ourselves to sanctions. Economic costs through lost trade disgruntle domestic as well as international constituencies, so it is little wonder that trade sanctions are entered into only with the greatest reluctance.

However, there may be a positive aspect to incurring costs, and it is simply this: by shouldering some of the costs of promoting human rights, Canada demonstrates its sincerity. There is scant chance of effectiveness if we are not prepared to share some of the burdens of change, for if we rule out this element, we automatically disqualify most of the actions we could possibly take. Offending states may carry the blame for their actions, but cost will partly be shared by the accusers. Indeed, this is only fitting, if the public is to know that governments do not accuse others lightly, but only after serious consideration, and after taking into account the difficulties of our times. Not incidentally, sharing cost also provides a kind of shield for the sanctioning country; it becomes much more difficult to accuse such a country of shrillness and moral hypocrisy.

The second constraining reality is the seeming irrelevance of trade sanctions, given that no other country depends predominantly on Canada for trade. Canada cannot imaginably "choke" any country into submission. What this does to Canada's policy in practical terms, is to include by necessity an emphasis on applying sanctions with the widest possible coalition of states, as well as in conjunction with the widest possible range of other measures--actions which are desirable in any case. It could, perhaps, also increase the importance of symbolic and verbal actions. There is the danger of grandstanding here (although there is no evidence

<sup>42</sup>Ibid., pp. 20-21.

that more economically-powerful countries are prompted by their greater sanctioning muscle to scale down the rhetoric), and Canada, in any case, makes considerable use of quiet, behind-the-scenes diplomacy (I will return later to this problem of "symbolic" sanctions). In any case, what these restraints mean for Canada is that to have any effectiveness at all, we must develop a comprehensive, thoughtful policy--something which is only to be encouraged.

In practice, Canada does take these factors into account. So, as Nossal suggests will be the case, Canada is taking the current sanctions against South Africa within the context of a multilateral association, the Commonwealth. In this instance, Canada could hardly be said to have these sanctions "pressed upon it by others;" instead it has tried to forge a leadership role. Indeed, the image of Canada as the "Phonecians of America," requires modification: Canada has placed sanctions against South Africa above purely economic concerns, and has staked considerable international prestige on its role as a leader against South Africa. Black South African leaders have themselves expressed their understanding that Canada is a leader. For example, speaking in Ottawa in May of 1988, the Reverend Allan Boesak stated that "Canada has taken a leadership role among Western countries and is considered in a different category from such nations as Britain, the United States, or West Germany."<sup>43</sup> Of particular note are Canada's attempts to pressure Britain to take sanctions against South Africa--Britain is, after all, one of the Great Powers to which Canada has traditionally bowed.

In spite of Canada's efforts to lead, however, Britain remains recalcitrant, and the deep division between Britain and the rest of the Commonwealth is an apt example of the difficulties of getting states to act in concert in order to make sanctions more effective. And if a broad consensus among censuring states cannot be reached, and sanctions cannot therefore be made effective, there is difficulty in justifying their imposition. It is certain that economic sanctions will do harm to those living under oppression, to a greater or lesser extent. Given this, and the lack of likelihood of success without general international solidarity, there is a serious moral question whether sanctions are, after all, a positive tool of state-craft.

<sup>43</sup>"Challenge Pretoria, Cleric Urges Canadians," Globe and Mail, 9 May, 1988.

Stanley Hoffmann points out the importance of effectiveness as an overall goal:

About each decision, choice of target, choice of means, what is this likely to accomplish? ought to be asked. This has a negative implication and a positive one. The negative one is the duty to avoid grandstanding (even if we convince ourselves that playing to the gallery will raise consciousness, it will mainly raise cynicism and despair if no effective move follows). The positive implication is eclecticism in ends and means. A modest target that is within sight is preferable to a more grandiose, a more precise to a nebulous one, depending on the circumstances. Here as in any other area of applied ethics, the best is the enemy of the good, and the good is measured by the possible. There is no need to prefer public means which are inefficient to discreet ones which can be effective; human rights can be improved sometimes by direct onslaught, so to speak, but sometimes by oblique means. What matters is the effect, or the balance between likely good and bad effects, on human rights.<sup>44</sup>

Effectiveness must be kept consciously before sanctioning governments, and considered in conjunction with the concern over harming the oppressed in the process. This latter problem can be answered in part if sanctioning countries are able to offer some positive measures to those living under oppression, in compensation for what they will lose as a result of measures taken against their government. An example of this sort of "compensation" is the 7 million-dollar education programme for blacks South Africa,<sup>45</sup> and the 2 million-dollar Humanitarian Assistance Programme for projects such as assisting detainees and offering legal council.<sup>46</sup> These are admittedly small projects compared with the price paid by black South Africans, and do not begin to exploit all the possibilities along these lines. Of great impact also, are those things which can be done by the private sector. Stanley Hoffmann summarizes some of these:

...private enterprises and banks, more even than states, can use their influence positively rather than resort to sanctions. Thus in South Africa companies do not have to choose only between participating in and profiting from apartheid, and disinvesting. They can try to promote employment, housing, and health policies that undermine apartheid. And, like states, they can be effective simply by *not* doing certain things: some banks are refusing to loan to the South African government.<sup>47</sup>

<sup>44</sup>Hoffman, Duties Beyond Borders, pp. 125-126.

<sup>45</sup>Southern African Task Force. South Africa: Measures Adopted by the Canadian Government to Demonstrate Opposition to Apartheid (Ottawa: External Affairs, Canada, n.d.)

<sup>46</sup>Canadian International Development Agency, CIDA Projects in Human Rights and Democratic Development (Hull, Quebec: Canadian International Development Agency, n.d.)

<sup>47</sup>Hoffmann Duties Beyond Borders, p. 132.

These are ameliorative actions, but in the end, as Hoffmann says in concluding this passage,

...when all other methods have failed to be effective, withdrawal--and the losses it may entail--will have to be the last resort: private interest groups cannot be above internationally recognized rights, business is not above humanity.<sup>41</sup>

It is stretching the matter only a little further to note that neither are states above internationally recognized rights; what is at issue is the morality of the action, and the problem of imposing some costs (however much unintended) upon the oppressed now, weighed against the immorality of doing nothing and thereby ensuring continued long-term oppression.

A much more serious question is whether we have the right to make this decision for other people. Here again we encounter in a slightly different form, the problem of intervention.

South Africa right now offers a somewhat unique situation, for blacks themselves are calling for sanctions. This relieves us of many of the worries of harming those already oppressed, for blacks are saying they are willing to bear economic hardship. It is not for us to say they should not choose this difficult path. Nobody is pretending there will not be costs for all parties. It is difficult to see that a refusal to join sanctions on the basis that they hurt black South Africans could be interpreted by blacks as anything but an especially repugnant and insulting paternalism.

However, there is an added dimension which has the effect of multiplying the importance of the sanctions themselves. This is the aspect of using sanctions as expressions of solidarity. Sanctions are not meant to be only pragmatic attacks on corrupt regimes, although they certainly should be that; there is a sense in which, since they are public and official, sanctions are symbolic representations of moral outrage. Nossal, in the passage quoted above, is critical that "[o]ften sanctions are a largely symbolic ex post facto means of punishing a state..." and, indeed, Nossal is by far not alone in belittling the value of "merely symbolic" actions. We cannot, perhaps, afford to be so dismissive.

<sup>41</sup>Ibid., p. 133.

Symbolic actions, with respect to human rights, are designed to make a moral statement against the abuse that is occurring, and to announce publically to the international community, that Canada regards the activities in question as unacceptable; while purely symbolic actions do not in themselves set out any programme for action, they can serve notice that Canada intends to fight against the abuse.

Canada's "expressions of support" through sanctions have been declared by black South Africans to be of inestimable value in encouraging them to persevere in the fight against apartheid.

We must not delude or flatter ourselves into believing that it will be outside actions or pressures that will change South Africa. As John Stuart Mill wrote, "[n]o people ever was and remained free, but because it was determined to be so..."<sup>49</sup> In the end, it must be South Africans who change their country; until there was a popular domestic movement against apartheid, it is inconceivable there could have been hope of abolishing apartheid in practice, even if the international community had gone to the extreme of forcefully intervening and legislating an end to it. If the "will of the people" is not mobilized surely apartheid will persist. It is in mobilizing and maintaining this fervant will that sanctions, as symbolic support, are important.

The symbolic value of sanctions can be seen in the negative by recent statements of the Reverend Allan Boesak in Ottawa. He told Canadians that "[u]nless Canada acts on its commitments to take tougher sanctions against South Africa, it would be better that those promises had never been made," since the Pretoria government, or right-wing pro-apartheid groups can "cite the promises made...as empty threats that South Africa can ignore with impunity," and thus attempt to demoralize and discourage black communities.<sup>50</sup> If sanctions can encourage and energize black resistance to apartheid, then this support becomes doubly a moral obligation. It is a myth that sanctions enacted by so small and insignificant a country as Canada can produce no concrete results: if this expression of solidarity with a people

<sup>49</sup> John Stuart Mill, "A Few Words on Non-Intervention," in Robert A. Goldwin, ed., Readings in World Politics, 2nd ed. (New York: Oxford University Press, 1970), p. 328.

<sup>50</sup>The Globe and Mail, May 9, 1988.

encourages them in their fight against their oppressors, this is very real progress.

All this is not meant to excuse Canada from the responsibility of taking more concrete actions, or of making sure that those sanctions already imposed are strengthened for maximum effectiveness; it is only to show an added dimension to sanctions which demonstrates their usefulness. There is simply no value in being cynical about whatever small steps we might take against oppression: the point is to take the steps we can and to make them as effective as possible.

To date, most of the actions the Canadian government has taken have been in the area of economic rather than purely symbolic sanctions. However, the economic sanctions have mainly been voluntary.<sup>51</sup>

Still, to represent Canada's sanctions against South Africa as economically impotent is surely inaccurate. The effect of these sanctions so far, from the Canadian point of view, is that "trade figures for the first six months of 1987 showed... a 50 per cent trade reduction with South Africa,"<sup>52</sup> and "that half of the twenty-four Canadian companies that once operated in South Africa [have] abandoned all commercial ties. Five of the remaining firms [have] said they plan to sell off their holdings."<sup>53</sup> This obviously will not suffice to bring Pretoria to conciliation; nonetheless, these disinvestments represent concrete impacts upon the business community which looks nervously upon such action and hopes it will not spread to other countries. In 1985, top South African business executives met with the Pretoria government to express their concerns over the negative economic impacts of apartheid, and flew to Lusaka to meet with leaders of the ANC.<sup>54</sup> The business community reacts quickly to instability, and can put strong pressure on the government to change.

Concrete action is being taken, but it is evident that the impact of sanctions could be greatly magnified if more countries--particularly Britain, the United States, and Japan--were

<sup>51</sup>For a list of the sanctions which the Canadian government has brought against South Africa, see Appendix A.

<sup>52</sup>International Canada. (October/November, 1987), p. 13.

<sup>53</sup>Ibid.

<sup>54</sup>See, "Botha Sagging Under Weight of Change," Globe and Mail, 13 September, 1985.

to join in wholeheartedly; and more can be done from even a solely Canadian initiative. The first obvious step in tightening up sanctions is to make the voluntary trade, loan, and travel restrictions obligatory. In addition, Canada's, and other countries' persistence in this matter may eventually win others over, and this will be a very great positive effect of our modest sanctions. Black South African leaders are clearly hoping for just such an effect--what other meaning could they have in calling Canada a *leader* in bringing sanctions against Pretoria?

The struggle *within* Canada as well as without to get tougher sanctions points to the difficulties with deciding on appropriate methods. Some few actions are so obvious as to invite relatively little discussion. One of these is the rightness of cutting any military trade--or trade in "sensitive" materials which can be used against civilian populations--to an oppressive government. Obviously, it is foolish to add to the coercive means of an abusive government. Canada's 1984 guidelines for export of military equipment recognize this obvious principle. According to the guidelines, Canadian firms are forbidden to sell military equipment to "regimes considered to be wholly repugnant to Canadian values, especially where such equipment could be used against civilians."<sup>55</sup> Sales of riot gear, tank and helicopter parts, and radar equipment to the government of Chile between 1984 and 1986 sparked a controversy which pushed this issue into public attention. As David Adams, a senior official in the Department of External Affairs responsible for approving export permits noted at the time, "[s]ince no regime, including Chile, was ever declared *wholly* repugnant to Canadian values, it would seem to me that the policy was therefore not breached."<sup>56</sup> The public ought to be

<sup>55</sup>International Canada (August/September, 1986), p. 4.

<sup>56</sup>One might add that under these circumstances, the policy would be impossible to breach. Obviously, for such guidelines to be effective, additional defining is required. However, what is significant here are the grounds on which the government fought opposition accusations. The Department of External Affairs did not try to argue against the rightness of denying military sales to oppressive governments, but tried to show that the policy of doing this had not been broken. According to "International Canada", Deputy Prime Minister Donald Mazankowski "denied the August 19 press report that military sales to Chile approved by the present [Mulroney] government had included riot gear. The equipment was actually used for bomb disposal, he said. Mr. Mazankowski added that under new export control policy, 'approval for military equipment can only come from the Minister--and only if he can be satisfied that there is no reasonable risk such equipment will be used against the civilian population.' (Globe and Mail, Sept. 19)" International Canada (August/September, 1986), p.4.

skeptical here, and to demand a better record and a less cynical use of the guidelines in the future. However, since the government itself proclaims the principle that abusive governments should not receive more military or technologically sensitive equipment, those fighting for more consistency here can use the government's own proclaimed standards to embarrass them into better behavior.

Another relatively incontrovertible action is one which is taken largely with respect to oneself: that is, taking care of human rights problems within one's own borders. I say *largely*, rather than *wholly* directed towards self, because such action also has an obvious symbolic dimension in demonstrating one's seriousness and fitness to speak against human rights abusers. Here is another aspect of "symbolic" action and one which is essential not only to avoid charges of hypocrisy, but for the good that will result by examining one's own human rights record. Thus, as with other symbolic actions, there is a very practical dimension.

The Canadian government, for example, could point to such things as its activities on the United Nations Working Group on Indigenous Populations, by virtue of which it implicitly, if not explicitly recognizes that it has had and continues to have human rights problems in dealing with its native peoples, and submits itself to scrutiny by the Human Rights Commission. Similar in this regard is the Canadian government's ratification of the Optional Protocol, under which

"[t]he States acceding to the Optional Protocol empower the Human Rights Committee... to receive communications from individuals who claim to be victims of violation of any of the rights set out in the Covenant [on Civil and Political Rights]."<sup>57</sup>

In both cases, the government allows elements within its population to place it under international scrutiny for human rights performance. Even more important, however, is Canada's participation in the human rights reporting functions at the United Nations, under which it submits reports detailing programmes it has set up to promote human rights domestically (e.g. promotion of equal rights for women), or changes it has made in its legislation in order to comply with conventions it has ratified (e.g. most recently, changes

<sup>57</sup>United Nations. UN Chronicle. Vol. 25, No. 1 (March, 1988), p. 51.

have been completed in federal legislation and consultation with provincial authorities are under way in preparation for ratification of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).<sup>58</sup> All of these activities show a willingness on the part of the government to set aside the strict concept of sovereignty and to submit to outside authority.

However, going beyond these relatively clear-cut actions which are imperative if we are to be taken seriously, there is little general agreement on actual programmes of action.

For example, should we impose sanctions gradually or all at once? Within Canada there is deep division on this issue with respect to South Africa; and the two sides may be typified roughly by, on the one hand, the Canadian Labour Congress which has consistently called for comprehensive sanctions and immediate severance of diplomatic ties, and on the other hand, the Department of External Affairs, which repeatedly declares that, while all options are being considered, complete economic disinvolvement and severance of diplomatic ties is not deemed to be productive at this time. Those who argue for complete immediate severance of relations point to: i) the possibilities of discouraging blacks and raising the level of cynicism if Canada is perceived to denounce but not act; ii) that maintenance of diplomatic ties seems to legitimize the government we are attempting to denounce; iii) that gradual sanctions do not make a strong enough moral statement against apartheid; iv) that gradual application of sanctions allows Pretoria to make adjustments, find other trading partners, and become stronger and more independent, thus robbing sanctions of their effectiveness; and v) that other states may use this as an excuse not to enact sanctions of their own.

Probably the most important concern is the first: one can think of the many statements by Archbishop Desmond Tutu warning that increased sanctions are needed because black South Africans are on the verge of succumbing to the despairing conclusion that the rest of the world is unconcerned with their plight. A perception of unconcern from the international community could spark the already flammable situation into conflagration, as Tutu argues convincingly:

<sup>58</sup>External Affairs, Annual Report, 1986/87, p. 33.

I can sympathize with those South Africans who have already decided that violence is justified. For myself, though, I agree with Allan Boesak... when he says that we must *not* descend to the Government's level in responding to its latest actions [Pretoria's Feb. banning of the UDF and other organizations, restriction of leaders, and restriction of activities of trade unions] with violence... Imagine our despair, however, when those of us counselling desperate people to take non-violent action woke up to the news that Britain and the United States had once again vetoed international attempts to do the same [by imposing trade sanctions through the United Nations Security Council].<sup>59</sup>

Just as worrying are the bitter words of Frank Chikane, general secretary of the South African Council of Churches: "My feeling about the international community is that the international community only acts or responds when we die...It doesn't look like the international community acts on the basis of oppression."<sup>60</sup>

The problem is not agreeing that sanctions need to be more comprehensive and effective, but deciding when is the appropriate moment to escalate measures. The fear here is of playing one's hand too quickly, and having no further actions to take should an escalation in human rights violations demand further public statements. With respect to South Africa, the Canadian government's policy has been one of gradualism, adding one or two new sanctions over a period of some months, while continuing to declare its intention to move further in the future. Canada's penultimate ambassador to South Africa, Edward Lee, was a strong supporter of gradual sanctions. According to him,

"[t]he threat of comprehensive sanctions (if serious) can be much more effective than introducing them all at once...South Africa pays attention to us... because we are a moderate, Western nation. We risk being ignored if we act too quickly."<sup>61</sup>

Complicating the issue is the fact, pointed out above, that we play not to one gallery alone: the effects of gradualism on the black community must be taken into account as well.

There are strong arguments that now *is* the time to increase sanctions. Surely we must make some statement against the February 24 restriction of trade unions and banning of 18 anti-apartheid organizations. Soon afterwards followed the banning of the Committee for the

<sup>59</sup>Archbishop Desmond Tutu, "Do You Want Another Lebanon?" Globe and Mail, 15 March, 1988.

<sup>60</sup>"Commonwealth Urged to Press South African Sanctions," Globe and Mail, 2 February, 1988.

<sup>61</sup> "Slow Introduction of Sanctions Useful, Ambassador Says," in The Globe and Mail

Defense of Democracy which was formed in response to the crackdown as a way for church groups to take over some of the functions of the 18 banned anti-apartheid groups,<sup>62</sup> and the arrests of 150 activists and church leaders who marched on parliament to protest the measures.<sup>63</sup> June 10, emergency rule was extended for a third consecutive year; at the same time the government introduced new media restrictions, although it later backed down on these.<sup>64</sup> In August, the government introduced new restrictions on black unions under the Labour Relations Amendment Act, and introduced new measures to enforce evictions under the group areas act.<sup>65</sup> All signs indicate that the Pretoria government is becoming more actively abusive than otherwise. We must find ways of reacting so that when there is a clear escalation of abuse, there is a corresponding clear escalation of condemnation. Also compelling is the outlawing of the use of foreign funds for political activity. This means that while Pretoria can get outside funds (through continued foreign trade), groups within South Africa fighting apartheid are unable to obtain outside monetary assistance. As it becomes more difficult to "compensate" those living under oppression in South Africa, the argument for escalating sanctions becomes stronger.

With respect to escalating sanctions to the level of cutting diplomatic ties, however, the arguments take a slightly different twist. While we want to avoid lending credibility to a government we have condemned, a severance of diplomatic relations also destroys channels of information-gathering and communication with the population. Evan Luard summarizes the problem:

...an important condition of an effective human rights policy...is the establishment of contacts with as broad a section of the population as possible, including political opponents of the government. But there is a corollary for this need for contacts...This is that, even where the human rights record of a government is appalling, there is every disadvantage in a total severing of relations. This in practice provides the worst of all worlds. Not only is all hope of influencing the regime in question lost, but an isolated regime often becomes still more brutal than before. Equally serious, all opportunity for showing moral support for opposition groups, or

<sup>62</sup>Tutu, "Do You Want Another Lebanon?"

<sup>63</sup>"Pretoria Move on Foreign Funds Could Hurt Churches, Activists," Globe and Mail, 2 March, 1988.

<sup>64</sup>"Pretoria Tightens Grip on Opposition in Bid to Quell 'Unrest'." Globe and Mail, 11 June, 1988.

<sup>65</sup>"South African Union to Fight New Law," Globe and Mail, 13 August, 1988.

for influencing the situation in any way, is also abandoned... By washing our hands of the situation we may feel we are keeping our souls pure. But in practice we condemn the population under pressure to isolation, and ourselves to impotence. We salve our own consciences, but abdicate responsibility.

This is illustrated by a number of cases in recent years. Perhaps the most disturbing is the case of Cambodia, where between 1975 and 1978 the most bestial violations of human rights of any in recent years took place... Because no Western country had any links with that country during that time, there was not even the smallest possibility of influencing the situation... the boycotting of the country led to widespread ignorance in the West of what was happening there; so that there was... no upsurge of world indignation.<sup>66</sup>

On the same question, Independence and Internationalism has this to say:

As for breaking diplomatic relations, this runs strongly against the Canadian tradition of accepting the de facto government of a country as the authority with which Canada will deal. Moreover, we think it self-defeating to terminate relations in any circumstances where there is hope of change for the better or opportunities for Canada to help out. It should be seen as the last card to play, after which one is largely removed from the game.<sup>67</sup>

There are two recent illustrations of the advantages of maintaining a diplomatic presence in South Africa, and they are both in the realm of lending moral support to the oppressed. The first is the attack, with water cannon, on the group of church leaders and activists, who marched peacefully on parliament February 29, 1988. The group included the Canadian ambassador's wife, and her presence raised the level of condemnation of the action from the international community. Diplomats are often invited to attend such events, since it is felt that their presence reduces the likelihood of clashes with security forces; it certainly *does* increase the likelihood of international outrage, should something go awry. In any case, regularly accepting such invitations is vivid evidence of moral support from Canada.<sup>68</sup>

Second, there is the claim by the Department of External Affairs that continued diplomatic links with South Africa are necessary since Canada's aid to blacks is funneled through the Canadian embassy.<sup>69</sup> As long as this aid can be delivered to black South Africans, there is powerful reason to maintain the diplomatic link.

<sup>66</sup>Evan Luard, Human Rights and Foreign Policy (Oxford: Pergamon Press, 1981), p. 28.

<sup>67</sup>Special Joint Committee on Canada's International Relations. Independence and Internationalism, p. 103.

<sup>68</sup>"Diplomat's Dilemma," in The Globe and Mail.

<sup>69</sup>"South African Link Still Needed to Funnel Aid, Clark Says," Globe and Mail, 3 March, 1988.

However, in order to address the concern that maintaining diplomatic links could legitimize the South African government, I think it would be very worthwhile to take the suggestion made by Donald Woods at the August, 1988 Commonwealth Minister's Conference. He argued that the Canadian government could, without damaging any of the functions it performs in South Africa, downgrade the embassy to a consulate. Canada would still be able to offer aid and support from a consulate, so the downgrading would be a positive rather than debilitating escalation of disapproval.

With respect to the third concern, that gradual sanctions do not make a strong enough statement, there is the problem of making ethics applicable to actual life. This almost always requires some relaxing of ideals in order to accomplish anything at all. And as Hoffmann says, the point is to *accomplish* something. The challenge is to deal with real situations without abandoning the ideals which prompted action in the first place; or put the other way around, to get as close to the ideal as possible, without demanding perfection or nothing. But it should be evident from the preceding discussion that there *are* ways of making the moral statement within the context of continued contacts with a repugnant regime; probably, the statement of solidarity or moral support is the most important, even if it is less dramatic than making a sweeping condemnation of the regime and publically cutting all ties.

The fourth concern, that gradual sanctions in fact strengthen Pretoria by allowing it time to adjust to the actions brought against it, is difficult to answer, because we simply have no way of knowing what *would have happened* if we had applied sanctions a little bit more slowly or quickly. This brings us back to one of the first and commonest arguments against sanctions: that they are useless because they are "empty"--they fail to actually accomplish anything. Both these arguments are in large part arguments from ignorance, because we have no accurate method of measuring what sanctions do, given all the variables involved. We can try to compare various situations where sanctions were used, and we discover that in no case can sanctions definitely be said to have been the deciding factor in changing a government's behavior, or in bringing the downfall of a corrupt regime.

The recent situation in Panama, in which the United States attempted to oust General Noriega through the use of comprehensive sanctions, is instructive. If there ever was an instance which should have been a "proof-case" for sanctions, it was Panama. After all, the economy is very closely tied to its vastly larger and more powerful ally, whose currency Panama uses, and who even maintains a military presence there. Still, the United States has not been successful in dislodging Noriega after 5 months of embargo. Must we then be cynical about the use of sanctions at all? Where gradual sanctions are concerned, we must take the speed of enacting sanctions into account along with all the other objectives we have: maintaining sanctions in order to sustain public attention to the problem; maintaining links with groups within the country we are sanctioning; engineering our programme for sanctions so that it is amenable to concerted action along with others; making our programme for sanctions a platform for symbolic actions on many different levels; and making sure as much as we can, that sanctions hurt those they are intended to punish, and not the innocent.

There is one further problem which Margaret Doxey points out: if sanctions are official expressions of our government's disapproval, it is difficult to know when to abandon them. "If they are official," says Doxey, "they cannot just fade away."<sup>70</sup> The problem here is that once Canada has officially denounced a government and declared its actions to be repugnant, there is a moral need never to let up until the affront is removed. Reduction of the offense is not removal, and it is difficult to measure how much improvement is necessary before the state can again be considered morally upright. How can we justify restoring trade or other relations if a government's record is improved, but still overall bad? This is exactly the criticism opposition groups have had of the government's 1987 decision to reinstate aid to Guatemala on the basis of its improved human rights record. This problem of evaluation is not easy for any government to solve; but it will be much less of a dilemma if there is a concentration upon "compensating" those who live under oppression. Such compensation will make the exigency of restoring relations much less urgent.<sup>71</sup>

<sup>70</sup>Margaret Doxey, "Do Sanctions Work?" International Perspectives (July/August, 1982), p. 15.

<sup>71</sup>I shall return to this question of compensation when I discuss the aid/rights link.

Overall, then, how could the use of sanctions as a tool for promoting human rights be judged? First, we know that there are many practical difficulties in bringing a tool such as sanctions into the service of a moral principle such as respect for human rights. However, it is also apparent that this is one of the few practical ways in which we can express our moral convictions. Unless we are willing to consider economic gain as an end which outweighs our moral goals, it seems inevitable that sanctions will be one of our tools of statecraft.

For Canada, there are heavy pressures from domestic constituencies which want to see the moral goals take precedence over the purely economic goals. The government must therefore calculate how it can best take sanctions against human rights abusers. There are a few guidelines which ought to form part of any such policy. First, Canada must continue to approach sanctions through multilateral channels, since this will have the most effect upon oppressive governments. Second, diplomatic pressure must be considered in a slightly different light than economic sanctions. In the case of South Africa, there are opportunities for taking much tougher economic sanctions while still maintaining diplomatic links. Unwillingness to move on one front should not preclude the possibility of useful action on the other. Finally, if sanctions are taken, they must be made to "fit" the oppression. This means not only making the type of sanctions as appropriate as possible, but also being very careful to raise the level of sanctions when oppression becomes greater. Canada has not been consistent here; but in order to be an effective leader, and in order to make an effective moral statement, this appropriateness is essential to a sanctions strategy.

#### AID

Although linking aid to human rights poses some of the same practical problems as linking trade to human rights, the two are very different in nature. Trade, in and of itself, is a practical consideration, so making the link to human rights means adding a moral dimension to an essentially pragmatic activity. Aid, on the other hand, *begins* from the moral considerations, and if there are other aspects to aid--such as tying aid to ensure some profit from it--*these* are the additions. No government begins with the assumption that aid is a

matter of self-interest; people begin from the opposite end, that aid is in the interest of others. In theory, giving aid is an activity which in its essence is based on the active morality of a country. Because of this, because the motives for giving aid must seem to be "pure," there is a great reluctance to link it to human rights performance, which seems to introduce a mercenary--albeit in the service of something good--element.

The problem, however, is not as difficult as the Canadian government has made it seem. To begin with, aid and human rights considerations are naturally linked, and are firmly connected in the minds of the Canadian public. Submissions to the Special Joint Committee on Canada's International Relations (Independence and Internationalism) and to the Standing Committee on External Affairs and International Trade on Canada's Official Development Assistance Policies (For Whose Benefit?) make this clear. According to Independence and Internationalism:

Apart from strictly diplomatic actions, Canada has a large development assistance program that can be put at the service of human rights. The issue of whether and how to do so attracted a great deal of attention in the briefs and submissions to the committee. Generally we hear Canadians saying that there should be links between development assistance and human rights, but carefully constructed links.<sup>72</sup>

"Respect for human rights," say the authors of For Whose Benefit?, "is one of the most important conditions for a true development process."<sup>73</sup> The document makes it clear that it views this link as crucial; it devotes a full chapter to it. In part, it says:

The further step--linking aid to the observance of specific human rights standards by recipient countries--is an issue that has come into its own in the 1980s. It is also a disturbing one that understandably makes a lot of governments, bureaucracies, and businesses very uncomfortable. But it must be confronted squarely. A large number of witnesses appearing before us made this a central theme of their presentations, echoing concerns that had been expressed strongly to the Special Joint Committee on Canada's International Relations during its public hearings.<sup>74</sup>

There is a natural link between giving aid, which is meant to promote development, and promoting human rights; it is difficult to see how the former can be achieved, if the

<sup>72</sup>Special Joint Committee on Canada's International Relations. Independence and Internationalism, p. 102.

<sup>73</sup>Standing Committee on External Affairs and International Trade. For Whose Benefit?, p. 23.

<sup>74</sup>Standing Committee on External Affairs and International Trade. For Whose Benefit?, p. 23.

latter is being denied. After all, a denial of individuals' human rights means stultifying, or extinguishing the potential of those people to contribute to the development of their communities; and a widespread, consistent pattern of abuse must surely mean retarded development. It does not take much to see that the poor and the oppressed are very frequently the same people. For Whose Benefit? goes even further in making this link: "In some countries where there is desperate need, basic human rights have not been observed and the opposite of development is taking place."<sup>75</sup> There is the suggestion here that a denial of human rights means not just standing still, but going backwards. In another twist on the same theme, Independence and Internationalism notes that the traditional idea of any link between human rights and development has been that economic development would cause human rights to flourish. However, that assumption is now questioned vigorously:

The assumption underlying development assistance policy has been that economic growth would enhance other forms of social and political development--including enhancing respect for human rights, more or less automatically. Experience has shown that although creating and distributing wealth is of fundamental importance to developing countries, economic development by itself does not resolve social and political tensions. It often increases them. Many countries in Latin America, for example, achieved rapid economic growth in the 1970s and, at that time, suffered political polarization, instability, and the plague of human rights violations.

The roots of this trouble lie partly in extreme inequalities and concentrations of economic and political power. They lie also in the failure of institutions to defend and promote the rights of the individual, of minority groups, and of the community as a whole.<sup>76</sup>

This is a more sophisticated and realistic view than the old "if economic development, then observance of human rights" thinking of the Alliance of Progress days,<sup>77</sup> and is partly

<sup>75</sup>Standing Committee on External Affairs and International Trade. For Whose Benefit?, p. 23.

<sup>76</sup>Special Joint Committee on Canada's International Relations. Independence and Internationalism, p. 104.

<sup>77</sup>Under this programme, free trade, and economic development, were supposed to lead to a political development that would preclude the possibility of Latin American peoples turning to communism. "In August, 1961 the representatives of the Latin American countries, except Cuba, met at Punta del Este...plans were drawn up to promote economic and social change--to adopt a positive program that would replace the negative one of defense against communism." [Preston E. James, Latin America, 3rd ed. (New York: Odessa Press, 1959), pp. 892-893.] "The whole thing's going to be won or lost right here in Latin America." These words of John F. Kennedy set the stage in our hemisphere at the beginning of the 1960s...The Alliance for Progress, President Kennedy's dramatic proposal for a hemispheric, indeed a world-wide attack on the critical underdevelopment of Latin America, was born on

also a reflection of the broadening in the West of the definition of human rights to include the ECULSOC rights.

Thus, aid is very naturally, rather than artificially linked to human rights. This nascent link demands a coherent, explicit policy.

However, the built-in dilemma of this link is pointed out frequently in government documents: "The basic principle is to ensure...that victims of human rights violations are not doubly penalized by being deprived of needed outside help as well as of their rights."<sup>77</sup> The very relationship between the two makes withholding aid appear to be a deliberately malicious act. For Whose Benefit? noted that there was a strong repugnance among Canadians for taking part in this type of delinquency:

...with respect to long-term development, while Canadians have delivered a message that they do not want our aid to go to governments that violate the fundamental rights of their own citizens, they have not said to abandon people who may be in desperate need in part because they have been victimized by the policies of these governments."

The problem here is that if this is a moral issue for us--if we recognize a moral obligation to help the poor--we face charges of immorality when we cut off aid to a people because their government is abusive. We therefore have not simply a *logistical* problem of delivering aid, but a *moral* problem of our obligation to do so.

Complicating this are charges, again, of abrogating the principle of state sovereignty. Do we have the right, once we have given aid, to interfere in the receiver countries' domestic affairs and tell governments how or to whom they should administer aid?

Hoffmann notes this problem, then dismisses it as spurious. Instead, according to him, "development aid--eagerly sought by many states--was always interventionist,"<sup>78</sup> so we ought not to be squeamish about linking it to human rights performance. Everyone has always

<sup>77</sup>(cont'd) March 31, 1961...With massive capital investment, plus basic land and tax reforms, these problems [of poverty] could be solved, and the standard of living could be raised for all, and then, 'all men can live out their lives in dignity and freedom.'" [John A. Crow, The Epic of Latin America, 3rd ed. (Berkeley: University of California Press, 1980), pp. 873-874].

<sup>78</sup>CIDA, To Benefit a Better World, p. 51.

<sup>79</sup>Standing Committee on External Affairs and International Trade, For Whose Benefit?, p. 25.

<sup>80</sup>Hoffmann, Duties Beyond Borders, p. 182.

understood that aid will be linked to other foreign policy objectives.

I think we could take even one step further back, and say that, if it is a matter of merely giving or withholding it, aid cannot be considered inherently interventionist. Aid which is freely given can be freely withdrawn, and the withdrawal cannot a priori be construed as meddling. This could only be the case if we had an absolute moral duty--regardless of other circumstances--to give aid. But aid is a means to an end. The *end* (helping the poor and oppressed) could be an absolute duty, but the means, or the tool, can never be so inflexible.

Indeed, the tool may sometimes defeat the end, for it is precisely the government that abuses its population which is likely not to be trustworthy in delivering aid to the poor. Such a government might spend the aid itself on military or communications equipment which could be used against its population to further suppress liberties. So there is an obligation to look carefully at governments that deny human rights, because continuing to give aid into such hands can itself be very immoral.

The Canadian government recognizes this dilemma, but prefers to concentrate on the side of the equation that says: "if some aid reaches the poor and oppressed, we dare not cut off that help." It seems largely to ignore the other part of the equation which asks: "what about all the aid that doesn't get through? Is the government using *that* money to abuse its people?" To this extent, I would be critical of the government's *presentation* of the problem. The dilemma is not so unresolvable as government documents make it seem. There *are* ways of getting around the stumbling block--indeed, the government is even now incorporating some of these alternatives into its foreign aid policy, though it continues to focus on the ever-present dangers of doubly-penalizing the victims of poverty and oppression.

To begin with, strictly humanitarian aid is *not* linked to human rights performance. In other words, aid which is intended for disaster relief, or to feed the starving (called humanitarian aid) is not denied or reduced no matter what the receiving government's record on human rights. The government's official position in To Benefit a Better World is that "...emergency humanitarian aid continue to be given on compassionate grounds without

preconditions, but that it be monitored closely to prevent abuses;"<sup>11</sup> CIDA's official policy, as of this year is:

Emergency food aid and humanitarian assistance may be provided in cases of natural and human-made disasters to any developing country, including those normally excluded from Canadian assistance, where specific approval is given by the Ministers responsible for ODA [Official Development Assistance].<sup>12</sup>

The most recent example of this policy in action is CIDA's decision to airlift food to the provinces of Tigray and Eritrea in Ethiopia, beginning in June. By using food as an instrument of war, the Ethiopian government has distinguished itself as among the most vicious of human rights offenders; the Canadian decision to make airlifts into the two northern provinces is in keeping with the policy to deliver humanitarian assistance, regardless of any other circumstances.

Second, there is here, as with trade, the aspect of sharing the costs and burdens of change, and of continuing to help the oppressed without legitimizing their governments. Specifically, Canada can welcome refugees into the country, as a concrete demonstration that we do, indeed, deplore oppression and are willing to do something about it; we can also continue to train and aid those who are living under oppression. Examples of this kind of assistance include aid given to black South Africans for educational programmes, and income generation programmes for Afghan refugees in Pakistan. Margaret Doxey calls these the "humanitarian, or relief and rescue aspect[s]" of aid.<sup>13</sup>

These ad hoc, responsive measures answer some of the logistical problems of aiding the poor, but do not go nearly far enough in addressing the moral imperative. For this, a much more comprehensive approach is required. The only way I can see of continuing to give aid in a human rights negative situation and still to be able to answer the moral questions, is by circumventing abusive governments and giving aid directly to their populations. It is in this area that Canada could potentially have a large impact in improving the lot of the poor and oppressed, and in setting new standards for delivery of foreign aid.

<sup>11</sup>CIDA, To Benefit a Better World, p. 49.

<sup>12</sup>CIDA, Sharing Our Future, p. 30.

<sup>13</sup>Margaret Doxey, "Human Rights and Canadian Foreign Policy," Behind the Headlines, Vol. 37, No. 4 (1979), p. 10.

This, in fact, has been the specific recommendation made by Sharing Our Future. Sharing Our Future was the final product of a comprehensive review during 1985-87 of Canada's foreign policies, and particularly its development assistance policies. The Report of the Special Joint Committee on Canada's International Relations (Independence and Internationalism) devoted an entire chapter, as well as two smaller sections to the issue of promoting human rights, and delivered twenty-nine recommendations (as compared with nine recommendations on "Improving Canada-U.S. Relations") to the government. Likewise, the Report of the Standing Committee on External Affairs and International Trade on Canada's Official Development Assistance Policies and Programs (For Whose Benefit?), dedicated a chapter to the linkage of aid with human rights performance. Fifteen recommendations were made, and the committee commented that "[a] large number of witnesses appearing before us made this [the aid/rights link] a central theme of their presentations..." "As a result, the government faced the aid/rights link very squarely in its responses, accepting many of the recommendations, at least in principle. Finally, some of the ideas which had appeared in the reports of the committee surfaced in CIDA's new policy which expresses a renewed commitment to human rights as one criterion upon which the delivery of aid will be contingent.

Specifically, the new promise from CIDA is that:

...cabinet will annually consider information on human rights situations as part of the process of determining which channels of Canadian assistance may be used...In countries where violations of human rights are systematic, gross and continuous, and where it cannot be ensured that Canadian assistance reaches the people for whom it is intended, government-to-government (bilateral) aid will be reduced or denied. Canadian assistance will be channeled through our development partners [i.e. according to Sharing Our Future, these are: non-governmental organizations, non-governmental institutions, universities, the business community, development crown corporations, multilateral organizations, and international financial institutions] working at the grassroots level...<sup>55</sup>

Diverting funds away from bilateral assistance through the non-governmental agencies is not a new idea nor a new practice. For years CIDA has channeled small amounts of funds through hundreds of NGOs. However, the specific, coherent policy of basing this channeling

<sup>55</sup>CIDA, For Whose Benefit?, p. 23.

<sup>56</sup>CIDA, Sharing Our Future, p. 31.

on human rights performance *is* new, and so is the scale on which this policy is to occur. Fifty per cent of CIDA's aid dollars are to go automatically through the Partnership Program (which includes all the institutions and organizations mentioned above), and this introduces the possibility that substantial aid will circumvent governments and be delivered directly to the poor.

The non-governmental organizations are particularly well-suited to execute the policy. These organizations often perform the most informed and efficient development work in the field. CIDA has recognized this in Sharing Our Future, and calls the work of NGOs "the smash success of Canada's development effort."<sup>16</sup> In addition, the involvement of many NGOs--particularly some well-known and respected ones such as the International Committee for the Red Cross [ICRC] and Oxfam--is consistent and very tenacious, so that they remain in a position to funnel aid during times of upheaval, after many other organizations have left the country. And, because CIDA has worked with NGOs for years already, the mechanisms for monitoring their use of government funds are already in place.

So, given the infrastructure that exists, the new policy offers promise. Some recent aid decisions provide examples of how the new policy *could* work. In Guatemala aid was reinstated in November, 1987 on the basis that its human rights record was improved. Rather than giving ODA, the aid could be channeled through such organizations as Oxfam and the World Council of Churches, which continue to work there. In this way, the Canadian government can avoid the appearance of legitimizing a human rights record which, even if improved, is still very bad. Or in Haiti, where hopes of democracy seem to be quickly dwindling and the country's population perishes in poverty, Ottawa could make a specific statement against the treatment of the civilian population by cutting Official Development Assistance. When the January 17, 1988 elections came to grief, with opposition leaders assassinated, voters gunned down, and charges of wide-spread fraud,<sup>17</sup> the Canadian government declared it would review its relations with Haiti. At that time, it decided to

<sup>16</sup>CIDA, Sharing Our Future, p. 68.

<sup>17</sup>"Democratic Ideal Just a Frail Illusion," Globe and Mail, 19 January, 1988.

"maintain relations with Haiti to continue helping the ...country's poorest people." This is not good enough. Sharing Our Future states that, along with India, Haiti ranks first in the number of projects undertaken by Canadian NGOs."

But, on September 14, 1988 the government announced that, because of continued human rights abuses, it was cutting all bilateral [ODA] aid to Haiti, and that henceforth all aid will be channeled through NGOs. The move puts the new policy into action, and is welcome news. Canada *can* make the necessary statement against rights abuses without sacrificing the interests of the poor and oppressed.

So, the new policy is promising, but there are many pitfalls. To begin with, since the government is reluctant to refine its working definition of human rights abuse beyond the rather crude standard of "gross and persistent abuse," it remains to be seen whether the channels which exist for linking aid to human rights will be used to anything like their potential." And, where violations reach the threshold of "gross and persistent" abuse, will Canada continue to send bilateral aid if most, or half, or at least some of it can "be ensured to reach the people for whom it is intended?" Again, if according to the policy, aid need not be denied, but merely reduced, will the government be prepared to divert large sums of money through its development partners? Official Development Assistance which goes to larger

"Canada to Keep its Ties With Haiti," Globe and Mail, 26 January, 1988.

"CIDA, Sharing Our Future, p. 68.

"To Benefit a Better World reports that: "the government is of the opinion that it is difficult to establish strict theoretical criteria in the field of human rights which would be operationally effective in development policy. As the Committee itself has emphasized, human rights questions are often intertwined in ideological or strategic issues. Such standards as currently exist internationally, in particular, the Universal Declaration of Human Rights and the International Covenants...are very general in nature. Because of the diversity of legal systems, social values and traditional structures in the countries in which CIDA functions, it is difficult to draw fixed and coherent rules in an area as controversial as human rights.

Moreover, the attitudes of other countries and peoples are not identical to those of Canada in the area of human rights, and these differences of emphasis and value cannot easily be reconciled within a global framework. To the extent that criteria can be established, against which to judge the performance of other countries, the most valuable guide is to focus on those violations of human rights which are patently systematic, gross and continuous, whether in the area of civil and political rights, or in the field of economic, social, and cultural rights." (p. 50).

projects is certainly more visible to the public and more splashy than aid which is broken into much smaller chunks and channeled through humble grassroots projects. The government may find the temptation to revert to past practice compelling. The fact that 50% of aid dollars are to be given through the Partnership Program does not guarantee that they will be routed through NGOs. During 1987/88--the first year of implementation of the new policy--only 9% of aid dollars are actually slated for NGOs.<sup>91</sup> Since the development partners also include multilateral organizations and international financial institutions, as noted above, the policy of diverting funds to development partners could completely defeat the purpose of linking them to human rights. It is unlikely such institutions will factor human rights considerations (or even be able to agree on criteria to do so) into their allocation decisions: if money goes through *these* partners, human rights will not necessarily be promoted thereby.

Finally, there is the problem that the 50% of aid dollars to the Partnership Program is an overall, rather than a country-by-country goal.<sup>92</sup> Some countries may therefore have much less than 50% of their aid routed through development partners. This could serve to reduce severely the flexibility CIDA will need in order to make the policy work.

So we have a situation in which there are great possibilities for using aid to promote human rights. Again, we should not be cynical about the possibilities of affecting others with our small aid dollars. Sums of money which may look unimpressive compared to what, for example, the United States can give may nonetheless be vitally important to poor countries facing grave problems. Assuredly, any pressure for human rights protection which might be generated through linking it to aid, will be more effective if the international financial institutions and multilateral organizations are involved. We should try to involve these organizations, but we can not hold our breath until there is agreement on what to do: we must act now to accomplish what we can. Something we *can* do is to take CIDA's policy and make it as effective and consistent as possible.

There may be a built-in motivation for linking human rights to aid. If NGOs are indeed very efficient and do CIDA's work well, there will be an incentive to go back and ask

<sup>91</sup>CIDA, Sharing Our Future, p. 68.

<sup>92</sup>Interview with CIDA personnel, June, 1988.

them to do more. If nothing else, having NGOs do much of the fieldwork will save CIDA money. And if Canada can make this programme work, other countries may follow suit. In this way Canada could become a leader in linking aid to human rights performance in a rational, morally-defensible manner.

### C. DIPLOMACY

I have earlier referred to diplomacy as "persuasion or the use of argument and entreaty, designed to change other states' beliefs, positions, or actions." Nossal reckons that for a Middle Power with modest military and economic means, persuasion is the most important and effective of the techniques of statecraft. He points to the "golden age of diplomacy" of the Pearson era as proof of its potency.<sup>33</sup>

Diplomacy can function at the very personal level of individual leaders affecting other individual leaders, who then eventually work their ideas into the policies of their own states. However, diplomacy at this level depends very much upon the temperaments and the forcefulness of the leaders themselves. This sort of diplomacy can bring about exceptional advances, but it *is* exceptional. For a policy to be carried out, more is needed than the personalities of the leaders or diplomats.

Fortunately, diplomacy is also possible on a wider plane. Negotiation within the context of multilateral associations often depends largely upon diplomacy and persuasion. Canadians can influence other states by being well-prepared, and by being *there*. Canada's tradition of very actively participating in multilateral bodies means that it has many opportunities to raise concerns, and to try to persuade others.

It is important to recognize, however, that the success of diplomatic efforts will also depend on nations' readiness to receive the message. It is fruitless to try to convince other states to change their opinions on issues before definitions, or at least rudimentary common understandings of concepts, exist. With human rights, the common understanding is very rudimentary, and is based primarily upon accepting the idea of the existence of rights, with

<sup>33</sup>Nossal, The Politics of Canadian Foreign Policy, pp. 23-24.

little agreement about content and form. But this is the beginning point. It is only as concepts become familiar and value is attached to them, that negotiation about them will be possible. Canada's role in this "educating" aspect of international exchange about human rights takes place largely through the advisory and support services of the United Nations. It is here that Canada can contribute practically to fostering discussion which would lead to international agreement and action on human rights.

The art of diplomacy is much less tangible than the other techniques of practical suasion. While commitment and consistency at the practical level is vital, it is not enough by itself. Methods of moral suasion--of changing peoples' fundamental values and beliefs--are also indispensable in fighting for change. Any attempt by states to persuade others at the valuative level, could be considered part of diplomacy: it is through diplomatic means that states' ideals are expressed.

However, the strong intangible dimension of moral suasion distinguishes it qualitatively from practical suasion. I shall therefore consider moral suasion not merely as another tool of statecraft, but rather as one of the two fundamental ways in which human beings can sometimes influence the behavior of others.

#### IV. MORAL SUASION: CHANGING WORLD VIEWS

##### A. ADVISORY AND SUPPORT SERVICES

There runs through all the theorizing a profound concern with making the ideals of human rights workable so that they find expression in the real world. Not surprisingly, because we see possibilities more than progress, because we are not in the best of all worlds, this is a persistent theme for policy-makers and government critics alike. We are adrift with the settlements we have reached already, unable to ratify and implement them. If we concern ourselves with nothing more than fulfilling already-existing agreements, we have a sea of work before us. The notion that we can really protect (let alone promote) human rights internationally seems chimerical.

This recognition is not encouraging, yet there are steps being taken, and which we can take in the future, to throw down some small anchors. Indeed, some have suggested that Canada is particularly well-suited to this work. Cathal Nolan, in his article, "A Human Rights Advisory Service," suggests that:

[t]here exists at present an avenue of considerable promise for Canada to assist efforts at international promotion and protection of human rights. This promise lies in a growing awareness among Canadians and others of the importance of providing "advisory service" assistance in the human...rights field."

The precise activities which might fall under this rubric, according to Nolan, include: making available to governments personnel with specialized human rights experience; training government officials in how to implement their Covenant obligations; offering assistance in preparing reports to submit to the Human Rights Committee (made obligatory by ratification of the Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights<sup>1</sup>); providing assistance in drafting domestic legislation to give effect to the two Covenants; giving assistance in research; and operating in-country training programmes in human rights law and implementation.<sup>2</sup> Similarly, Warren Bailie and David Johnson (Chief

<sup>1</sup>Cathal J. Nolan, "A Human Rights Advisory Service," International Perspectives, March/April, 1987, p. 19.

<sup>2</sup>United Nations. UN Chronicle, Vol. 25, No. 1 (March, 1988), p. 51.

<sup>3</sup>Nolan, "A Human Rights Advisory Service," pp. 19-20.

Election Officer of Ontario and research assistant to the Chief Election Officer of Ontario respectively) suggest that Canada could offer useful service by taking an expanded role in observing elections in other countries." Indeed, Independence and Internationalism took up the theme of advisory and support services in its report:

The committee is convinced that...Canada should move forward and create a positive human rights development program as well. Through co-operative programs of financial support, exchange, research, and technical assistance, Canada should contribute to the long-term development of political, civil and cultural rights as it now contributes to long-term economic and social development through the aid program. By helping to build representative political and other institutions and strengthen processes that serve, directly or indirectly, to protect human rights, Canada can add an element of protection to the carrots and sticks of traditional human rights policy."

The report points in the right direction, but I would go further. Institution building and education will do more than merely "add an element of protection" to our human rights endeavors; they will provide the foundations upon which future generations will build. It is only through these that human rights values will become a part of the political cultures and of the philosophical underpinnings of nations. When values are absorbed at this level, they will be self-perpetuating and even procreative, producing new human rights values. But if they remain constructs which are imposed upon various systems, they will never have very much protection. The activities of institution building and education--that is, of building human rights into cultures--which can be facilitated by advisory and support services are indispensable in the long term. Cathal Nolan comments regarding the importance of such services in the short term:

...there is direct evidence to indicate that making available even such simple advisory assistance as short-term loans of personnel experienced in human rights procedures and organizations could well lead to additional ratifications, and even to improved implementation, by other countries."

This is an optimistic view which sees the extension of advisory and support services as not just helpful, but indeed, catalytic.

"Warren Bailie and David Johnson, "Observing Other People Voting," Policy Options (January 1987), pp. 11-13.

"Special Joint Committee on Canada's International Relations, Independence and Internationalism, pp. 103-104.

"Nolan, "A Human Rights Advisory Service," p. 20.

In contrast to this hopefulness, David Matas, a Winnipeg lawyer and former special advisor to the Canadian delegation to the UN General Assembly (1980), has been outspoken in his criticism of Canada's promotion of human rights within the United Nations and is cynical about the possibilities for effective multilateral action at all. According to him, the built-in constraints of international organizations necessarily rob such institutions of their utility in protecting human rights.

Officially inspired executions were reported in thirty-seven countries--that is one-quarter of the UN membership, about one-quarter of the body we are here considering as a vehicle for the promotion of human rights... It is fitting, if unwelcome tribute to George Orwell, that we see, so close to 1984, at the UN, a world of newspeak and double think... Orwell defined double think as "the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them." It is "to use conscious deception while retaining the firmness of purpose that goes with complete honesty. To tell deliberate lies while genuinely believing in them, to forget any fact that has become inconvenient, and then, when it becomes necessary again, to draw it back from oblivion for just so long as it is needed, to deny the existence of objective reality and all the while to take account of the reality which one denies--all this is indispensably necessary"(Nineteen Eighty-Four, p.172). That, to my mind is a fair description of human rights debates at the UN...To me, the proliferation of international instruments with no enforcement mechanism or with only optional enforcement mechanisms is just Orwellian double think. It is just telling "deliberate lies while genuinely believing in them."<sup>100</sup>

These are harsh words, indeed; but he goes on: "[t]here is little Canada can do to promote human rights of non-Canadians through the Human Rights Committee."<sup>101</sup> He lists the short-comings of the Committee. States are reluctant to bring other states before the Committee in order to make a declaration that a violation of the Covenant has occurred. There is the difficulty that "the UN has no general human rights fact-finding capacity. Except in special cases, the UN relies on information supplied by non-governmental organizations."<sup>102</sup> Furthermore, as long as an investigation remains within the purview of the Commission, facts uncovered about rights abuses must remain confidential. As a result, only the most abhorrent abuses (which have been referred to the Economic and Social Council) are made public. There is the added difficulty that fact-finding is hindered by lack of cooperation from states which find themselves censured or condemned, at least implicitly, simply by

<sup>100</sup>David Matas, "Canada and the Promotion of Human Rights Through the United Nations," Paper presented to the Cashra Annual Conference, Saskatoon, Saskatchewan, 29 May-1 June, 1983, pp. 2-3.

<sup>101</sup>Ibid., p. 4.

<sup>102</sup>Ibid., p. 7.

virtue of being under investigation by the Commission. As Matas notes, "this lack of co-operation could be expected from human rights violators...however, the UN is, itself, in part responsible for the absence of co-operation because of its lack of regularized procedures."<sup>103</sup> Matas further argues that the work of the Commission on Human Rights has been sadly undermined by politicization of the issues:

It was thought, in the early years of the UN, that specialized agencies, like the Commission on Human Rights, would be insulated from the members' high politics, and the agreements would be reached on these agencies. It was hoped that habits of co-operation in the specialized agencies would spill over into politically-sensitive areas, such as security.

In fact, the opposite has occurred. The politics of the General Assembly and the Security Council have been replicated in the specialized agencies. The efforts of the Commission on Human Rights, amongst others, have been threatened by the injection of extraneous political issues that provoke friction and confrontation, and hinder co-operation... it creates disputes where there were none and worsens disputes that are there.<sup>104</sup>

This scenario seems unnecessarily pessimistic. Although such influences are difficult to measure, it is certainly more likely that there would be some spill-over effects moving in both directions. Matas is critical of discussion and debate within the UN; however, it is difficult to imagine how problems could be better solved by *not* talking to one another. Still, if Matas' description of the UN system is at least *partly* true--which it certainly is--this is very worrisome.

Matas also maintains that alignment is a problem: since Canada is a Western nation, a member of NATO, and a capitalist, developed country, it cannot offer the impartiality that is necessary for a state to successfully promote human rights.<sup>105</sup> This is a particularly unhelpful criticism: one wonders which nation could conceivably be a human rights promoter if impartiality based upon non-alignment, and lack of economic ideology or strategy, is required.

Finally, Matas points out that Canada's fact-finding capacity is often limited because of absence of ties (e.g. no embassy) with many countries. In these cases Canada will rely on UN reports or reports published by, for example, the Department of State of the United

<sup>103</sup>Ibid., p. 8-9.

<sup>104</sup>Ibid., p. 10-11.

<sup>105</sup>Ibid., p. 13.

States, or other allies.<sup>106</sup>

There is an added concern which Matas does not mention but which came to public attention recently (e.g. see The Globe and Mail's editorial for June 1, 1988, "Electing Foxes to Patrol the Henhouse"). Many of the nations elected to the Human Rights Commission are themselves serious human rights offenders. This year, countries elected to the post are: Bangladesh, Belgium, Canada, Colombia, Cuba, Cyprus, Ethiopia, India, Morocco, Swaziland, Sweden, the Ukrainian Soviet Socialist Republic, and the Union of Soviet Socialist Republics. The Globe and Mail editorial (referred to above) proclaimed "astonishment" at learning of the election of many of these countries:

Whatever political considerations favour including Panama and Morocco in the UN Human Rights Commission...there are no human rights grounds for their election...It is too much to hope that human rights protection will ever become sufficiently revered as a principle unto itself that it will be above political considerations. But to have Colombia, Cuba and Ethiopia deliberating on human rights at the United Nations is not simply to bury human rights under politics. It is to bury it six feet under.<sup>107</sup>

It would doubtless be grounds for further astonishment by many, to discover that also serving on the Commission (there are 43 members in all, elected for three-year terms) are Iraq, Sri Lanka, Pakistan, and the Philippines.

However, the election of such members is not merely a cynical capitulation to political scheming. The West is already too often cast in the role of "bestowing its wisdom" upon the rest of the world; and it is certain that in a debate so vital, and so closely connected to cultural, philosophical, and religious beliefs, discussion and contribution must come from all quarters if any progress is to be made. Accordingly, membership is broken into categories to make certain there is representation from all major areas of the world: eleven African states, nine Asian states, eight Latin American states, ten Western European (and other) states, and five Eastern European states. Thus, the fact that human rights abusers are elected to the Commission is, in some cases impardonable; but in other less extreme cases, it is an unfortunate result of ensuring places are filled for all the regions which must be represented.

<sup>106</sup>Ibid., pp. 13-14.

<sup>107</sup>"Electing Foxes to Patrol the Henhouse," Globe and Mail, 1 June, 1988.

Matas' considerable list of criticisms of the protection of human rights within the United Nations system is helpful to the extent that it points out areas where improvements in services can be made. However, the criticisms also have a cynical ring to them, and this is not constructive. To characterize human rights debates within the UN, and Canada's role in these debates, as empty words--and much worse, as purposefully misleading and dishonest double think--is to dismiss the UN as an instrument of progress and change in the field.

Ironically, however, the gainsayer reaches the same conclusions as do the United Nations zealots and supporters. Says Matas:

There is much Canada can do. It can improve its human rights fact-finding. It can make public the information it collects. It can comply more closely with its international obligations. It can be prepared to sacrifice its economic advantage for the promotion of human rights.<sup>101</sup>

None of this is new, but indeed echoes what has been said often by those who wish to see Canada's ability to promote human rights strengthened. And significantly, all these suggestions build on the existing system of promoting human rights within the United Nations.

This brings us to an important realization: what we need is not to build a new system that will work better than the UN or to proliferate new offices and institutions within the UN, but rather, to refine and make better use of what we have. It is pointless to decry the system for having no enforcement mechanism. This is not something which we will have in the foreseeable future; so, if we will accomplish anything, we must find ways of protecting human rights without it. In addition, this line of criticism rests upon a lack of understanding of the *nature* of human rights. The very concept of rights (as argued in part I) arises as a reaction to a violation. Human rights as a concept does not stand independently. Thus, to assume that the United Nations, by incorporating the protection of human rights into its set of objectives, should--or could--prevent human rights abuses from happening, through some kind of enforcement mechanism, is wrong. In the short run, what the system provides is a means of reacting appropriately to human rights abuses.<sup>102</sup> But in the long run, the only way

<sup>101</sup>Matas, "Canada and the Promotion of Human Rights Through the United Nations," p. 17.

<sup>102</sup>Where appropriate *reaction* is not taken, criticism is appropriate, and there is

to *prevent* rights abuses is to *promote* them at the cultural and social level, so that people come to have deep-seated psychological and moral beliefs against abusing human rights, and by and large do not *want* to abuse them.

As Independence and Internationalism hints at vaguely, protection will come as a result of promotion. That is, states will begin to protect human rights when rights become a fundamental part of their moral and political cultures. Rather than hoping that this establishment of human rights will come about naturally, we can promote it through building institutions which will protect and perpetuate habits of human rights observance, and through strengthening education. These are precisely the sort of things advisory and support services are meant to build.

There is clearly a need in these areas, but will offer of such services be welcomed?

According to Nolan:

The expertise of the Human Rights Committee leaves little doubt that a number of countries are interested in improving fulfillment of their technical obligations under the Civil and Political Covenant, and possibly their actual implementation of its provisions as well. However, during the first ten years of the Committee's existence, beginning in 1977, it has clearly emerged that several of these states have been inhibited from doing so because of a lack of governmental resources... For instance, in recent years, both Rwanda and Guinea requested from the Human Rights Committee assistance in training a number of their nationals in how better to implement their Covenant obligations. Unfortunately, the Committee had neither the mandate nor the resources to handle these requests for assistance. Although a rudimentary international capacity for providing advisory services exists within the United Nations Centre for Human Rights, so far this facility has been largely dissipated on expensive and mostly unproductive seminars. Thus, the specific request for assistance went unsatisfied.<sup>110</sup>

One could add that this year requests for technical assistance were submitted by over 40 states, including several who are under special scrutiny by the Commission.<sup>111</sup>

Thus it is apparent that there is not only a need but also an interest for support services in human rights. And, indeed, Canada is already considerably involved in offering such services. For example, Canada was among the first to contribute money to the United Nations Voluntary Fund for Advisory Services and Technical Assistance (\$150,000 contributed

<sup>109</sup>(cont'd) much room for improvement.

<sup>110</sup>Nolan, "A Human Rights Advisory Service," p. 19.

<sup>111</sup>Economic and Social Council, Advisory Services in the Fields of Human Rights: Report of the Secretary General, Commission on Human Rights, 44th Session, February, 1988, p. 3.

in September, 1987)<sup>112</sup>. More important are the many projects CIDA has financed in this area. CIDA is funding 19 such projects, worth \$9,462,354 to Colombia, Costa Rica, Cyprus, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Jamaica, Khartoum, Malaysia, the Philippines, South Africa, Uganda, and Zimbabwe, as well as several multi-country projects. For example, in South Africa, CIDA supports the Canadian Labour Congress in helping to train union leaders, conducting research, and providing legal services to black workers. Two other projects offer financial assistance to families of political detainees. In Zimbabwe, the funds support the activities of "barefoot lawyers"<sup>113</sup>, the dissemination of human rights texts, journals, and periodicals, and in-Canada training and internship programmes for Zimbabwean lawyers and paralegals. Assistance to Haiti is directed towards training election officials, training jurists to write election laws, and providing election equipment (ballot boxes, ballots, etc.).<sup>114</sup>

These are indicative of the kinds of projects CIDA funds, and it is quite appropriate, since CIDA's main work is in the area of development (ECULSOC rights), that all these support projects fall within the category of POLICIV rights.

## B. INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT

In addition to these projects which are run by NGOs, NGIs [Non-Governmental Institutions] Elections Canada, legal groups, church groups, unions, or universities, and funded by CIDA, Canada has now made a commitment to offering services in a more coherent manner through a specialized agency. On November 13, 1987:

External Affairs Minister Joe Clark and External Relations Minister Monique Landry jointly announced the creation of a new Crown Corporation, to be named the International Centre for Human Rights and Democratic Development [ICHRDD]. The Centre would help foster human rights and the development of democracy

<sup>112</sup>External Affairs, Canada, Canada Supports the United Nations Voluntary Fund for Advisory and Technical Assistance in the Field of Human Rights, News Release/Communique. Ottawa: External Affairs, Canada, 23 September, 1987.

<sup>113</sup>For a description of the activities of barefoot lawyers in Zimbabwe, see, "Legal Help Comes to Peasants," Globe and Mail, 18 July, 1988.

<sup>114</sup>CIDA, CIDA Projects in Human Rights and Democratic Development, n.d.

around the world...the Agency would compile and disseminate information and develop an expertise that would be used by governments and a great variety of groups, including "cooperatives, trade unions, professional associations and associations of peasants and workers" [External Affairs/CIDA Communiqué, Nov. 13, 1987].<sup>113</sup>

What is proposed here sounds very much like the sort of things David Matas and Cathal Nolan are suggesting needs to be done and can be done. Since the announcement in November, considerable refining of the mandate and structure of the ICHRDD has taken place. Two Special Rapporteurs were appointed to investigate, and a report was submitted to Joe Clark and Monique Landry on June 30, 1987.

The Special Rapporteurs reported an enthusiastic response to the idea of such an institution, from multilateral and non-governmental organizations alike:

The intention to develop a Canadian institution is welcomed by the multilateral, national, and private organizations we consulted...interest was expressed in developing linkages with a future Canadian institution...

It was suggested by senior UNDP [United Nations Development Program] officials that a Canadian institution could serve usefully as a centre of excellence and specialization and as a focal point for a networking of experience among the national developing country NGO networks. Neither the UNDP nor any existing institution was structured to play such a role...

The UN Human Rights Centre considered the proposal for a Canadian institution valuable and appropriate to the current international pattern. It considers Canada, with its long history of support for international development, one of a small number of countries able to work effectively in this area...

The UN Centre for Social Development...is strongly interested in cooperation with the proposed Canadian institution...

The Commonwealth Secretariat is enthusiastic about the proposed institution and is interested in exploring possibilities for multilateral projects involving Commonwealth countries, the Secretariat, and a Canadian institution...

The OAS [Organization of American States]...engage[s] in a modest element of technical assistance in the area of democratic institutions and human rights. Senior Secretariat officers welcome, and look forward to involvement with, a Canadian institute...

In January 1987, the Gambian government... approved the establishment of an African Centre for Democracy and Human Rights [ACDHR] whose objective would be: research into problems affecting human rights and democracy in Africa, the provision of advice to African governments and NGOs, and the promotion in Africa of human rights. The Attorney General of the Gambia has written to us expressing pleasure at the proposed establishment of a Canadian institution, predicting that the Gambian and Canadian institutes would contribute effectively to the strengthening of human rights and democratic practices in Africa, and seeking assistance for the proposed Gambian institution...

[World] Bank officials believe there is a need for an institution such as Canada could provide, to focus attention on fundamental and critical questions relating to the fragility of democracy and human rights in situations of severe economic strain and financial and economic adjustment...

<sup>113</sup>International Canada (October/November, 1987) p. 21.

The IADB [Inter-American Development Bank]...commented that...demand for assistance far exceeded funding and expertise available: in almost no situation was the IADB input adequate. The establishment of a Canadian institution would be warmly welcomed...A Canadian institution might provide greater continuity of commitment than can the IADB...

Commenting on the "lapse of international leadership" in recent years, a senior official of the Ford Foundation welcomed the intention of the Canadian government to create an institution. Canada was one of a small number of countries that could fill the gap, in part, because its motives would not be suspect. Other senior officials looked forward to the involvement of an independent Canadian player in this area, and commented that in some areas of the world, the absence of such Canadian involvement in coming years would have been remarked upon...

Senior officials of the [Rockerfeller] Foundation suggested that the Canadian initiative for an institution would be welcome "not because it is a new idea, but because it is Canada". It was a difficult agenda, but they believed Canada would have a significant advantage in light of the respect it enjoys internationally. The proposed independent structure would have a significant advantage not available to an official aid agency, for example, the ability to deal with a different group of players...<sup>116</sup>

There are two major themes running through these responses: the first is the need for such an institution, in order to improve upon and better fulfill the international human rights obligations and framework we have already; the second is the fitness and appropriateness of Canada taking the initiative in this area. Both these comments are encouraging.

There are, however, some pitfalls which could be fatal to Canadian effectiveness. The most dangerous of these are problems of ethnocentrism. First, as noted earlier, Canada's activities rest squarely within the Western POLICIV rights tradition. This particular effort is no exception. The very title enshrines the importance of "democratic development." (the International Centre for Human Rights and *Democratic* Development), and indeed, the voluminous document produced by the Special Rapporteurs focuses significantly on the POLICIV rights. This is to be expected to some extent, since the promotion of the ECULSOC rights would normally fall under the mandate of CIDA.<sup>117</sup> The section of the document which deals with setting up the mandate and the organization of the Centre does not altogether ignore the ECULSOC rights, but there are passing references only to the connections between the two categories of rights. The Rapporteurs recommend that the President of CIDA sit on the board of the ICHRDD, and that there be regularized consultation between the two

<sup>116</sup>Gisele Cote-Harper and John Courtney, International Cooperation for the Development of Human Rights and Democratic Institutions, pp. 11-16.

<sup>117</sup>Ibid., p. 21.

institutions:

In view of the magnitude of its resources and of the credibility which it has acquired in the developing world, CIDA should become one of the leading Canadian players in this area and should be responsible for a major part of the response required in order to make Canada more visibly present and more explicitly available for cooperation in the area of the development of human rights and institutions...The international justification for this approach can be found in the Declaration on the Right to Development adopted by the UN General Assembly in 1986...which reads, in part: "The right to development is an inalienable human right..."<sup>118</sup>

There is also a concentration on the concept of "democracy" and this can be dangerous. The title originally proposed was the International Institution for Human Rights and Democratic Development. The Special Rapporteurs suggested calling it the International Centre for Human Rights and Institutional Development, and noted that:

Many of our interlocutors, notably those working in the area of cooperation with developing countries, and those involved in the protection and promotion of human rights internationally, have cautioned us against the word "democracy" and its derivatives in the formulation of the name and the mandate of an eventual institution. This terminology, they have reminded us, has acquired an ideological, political and cultural meaning which differs profoundly from one region to another. Coming from a western industrialized country, it risks being interpreted as an intention to impose on our cooperation programs in this area our own concept of democracy...It seems to us indispensable to avoid any such ambiguity--ambiguity which would prevent, furthermore, many groups which could benefit from Canadian assistance from seeking such assistance.<sup>119</sup>

In spite of these warnings, the name eventually adopted by the government was the International Centre for Human Rights and Democratic Development.<sup>120</sup> Though the presence of that one word in the title of the institution will not necessarily lead it down a wrong path, it is not wise to reinforce in this way a perception which, if not carefully avoided, easily could reduce drastically Canadian effectiveness in promoting human rights internationally through such an institution.

The second problem of ethnocentrism has to do with the envisioned "market" for advisory and support services: unquestionably, the "market" is the developing nations. Throughout the report, the Special Rapporteurs seem to associate "developed" with "human rights positive" while "underdeveloped" or "developing" is associated with "human rights negative." In one respect, this targetting of the developing nations is quite reasonable, since

<sup>118</sup>Ibid., pp. 24-25.

<sup>119</sup>Ibid., 31.

<sup>120</sup>International Canada (October/November, 1987), p. 21.

the developing countries do indeed lack financial and educational resources for building legal, juridical, and institutional infrastructure which will support human rights. However, the reasons why certain states could benefit from advisory and support services bear careful elucidation so that the message is not communicated--however inadvertently--that developed countries do not have human rights problems and do not require advice and support, or that developing countries are incapable of producing indigenously individuals, groups, or institutions who are defenders of human rights. It is also very unjust to lump together all developing countries in this way, since their human rights records vary extremely. On this point the mandate of the ICHRDD needs to be crystal clear, and it must be carefully outlined that the countries which are intended to benefit from the services are those which need to improve their protection of human rights--no matter what part of the world they are in. It is important that the terminology be correct, in order to avoid offending even before starting out; any implicit or explicit connection between "developing nation" and "human rights negative," must be carefully avoided.

It is assumed that Canadian experts will be sent, with the resources of the ICHRDD around the world to share their knowledge. But we should not stop there. There is no reason ICHRDD funds could not be used to support the efforts of experts from developing countries to disseminate their learning. Indeed, in many cases, it will doubtless be more fruitful and appropriate to facilitate South-South contacts between institutions and experts, than it will be to send Canadians. The Rapporteurs noted the enthusiasm with which the OAU welcomed the idea of the institute, and looked forward to cooperation between it and the ACDHR. But such eagerness to cooperate should be more than merely noted: it should be eagerly sought, and the ICHRDD should have a specific policy of aggressively forging links with developing country multilateral, governmental, and non-governmental human rights organizations. If we want the world to believe that our motives in setting up such an institution rest upon a dedication to human rights and not upon a paternalistic urge to help the third world, then building such ties should be one of our first priorities. And facilitating South-South contacts between such groups, while being willing to step to the side and let Southern experts take the initiative in

the field, ought to also be a fundamental part of the strategy. There is certainly room for such an approach within the mandate of the ICHRDD, but it has not been put forward. To the contrary, human rights organizations from the developing countries are notably absent in the report of the Special Rapporteurs (the ACDHR is the only one mentioned). This indeed seems odd, since the developing countries are so overwhelmingly seen as the *objects* of the work of the ICHRDD. Sharing between the ICHRDD and the ACDHR and other similar organizations, should go both ways, and the ICHRDD should work towards seeing increased activity of developing country experts working in their regions or subregions.

This problem of terminology and image subtly affects both how the organization is perceived by others and its own vision of the possibilities before it. It leads directly into the third, very closely related problem of ethnocentrism.

All too often, the West has been perceived as attempting to "bestow its wisdom" upon the rest of the world, in acts of intellectual and cultural imperialism. In order to be effective, an organization for the international promotion of human rights must not do this, nor *seem* to be doing this. The Special Rapporteurs point to the clear statement against such imperialism found in the Report of the Special Joint Committee and go on to take note of the pitfalls:

Some interlocutors have warned us of the risk of a new institution being perceived as a manifestation of paternalism. In their view, our process, and indeed the idea of offering Canadian assistance in this sector spring from the inveterate paternalism of our society, a fact underlined by the singular focus on developing countries...A governmental or non-governmental body in a friendly country, however, may undertake to make its own reforms, to strengthen its own institutions or to improve its own safeguards for human rights consistent with its international undertakings. If it needs human or financial resources to do so it seems to us entirely appropriate for Canada, a trusted partner in international development, and respected for its non-ideological approach, to respond.<sup>121</sup>

The Special Rapporteurs have recognized the problem, but indeed they have not responded well enough. By self-admission, they focus on developing countries alone as recipients of assistance, and far from dispelling fears that the West is smug and complacent about its own human rights record, the document serves to reinforce them. The unsavoury

<sup>121</sup>Cote-Harper and Courtney, International Cooperation for the Development of Human Rights and Democratic Institutions, p. 24.

image of paternalism and cultural imperialism can only be avoided through a concentrated involvement in facilitating the growth of indigenous institutions--and even then it might not be avoided.

The ICHRDD *must* build into its mandate a vocabulary of cooperation and partnership with the developing countries.

A fourth problem which could be lethal to the success of the ICHRDD is that states cannot be forced to receive support services, and there is difficulty in inducing them to *invite* such services. Receiving help in the field of human rights implies a failure in the area. This has been one of the major problems facing the UN Advisory Service which, although in existence since 1956, has mostly lain dormant. A stigma has been attached to receiving help since assistance appears to also include international censure.

In order to be effective, the ICHRDD will have to work hard at removing this negative perception of advisory and support services. The first step is to make widely known that requests for purely technical assistance: (training lawyers, setting up libraries, training elections officials, and so on) do not necessarily denote a bad human rights record. It could simply indicate a shortage of financial or human resources. Countries which make use of such services can be proud that they are doing all they can to fill an unwanted gap. Since the mandate of the ICHRDD is directed overwhelmingly to such activities, it should be able to make use of such rhetoric to remove the negative image of receiving support services. Perhaps, by linking human rights support services to a perception of leadership, stigma could even be turned into prestige.

One practical way to help countries avoid implicit censure is by providing some of the services on a multi-country basis. For example, training courses and some advisory services could be offered at the regional or subregional levels. This sort of service would remove censure of any one country; in addition, services could in many cases be made more effective by providing a forum for discussion among nations which share similar political cultures.

All these actions are important in order to induce governments to make use of the services offered; however, it will also be important for the ICHRDD to carefully build

contacts with NGOs, NGIs, and other local human rights organizations. Governments may not always (or perhaps even often) be friendly towards accepting human rights support services: that need not stop the ICHRDD from playing an important role. The Special Rapporteurs have realized this, and have also hinted at the problems associated with such an approach:

The second category includes groups working to obtain for their members and for individuals, participation in the decisions which affect them at local, regional and national levels...for the second category, the activities envisioned may fall into less clear-cut areas. They are less likely to arise from requests of governments or in certain cases even to gain their support. On occasion, they may even be perceived as a challenge to the established authority. It is evident that in responding to demands of this nature, which come directly from groups or intermediary organizations, a governmental agency could encounter difficulties. It is also evident that any organization in the field expecting to implement projects in this sector would be incapable of functioning unless it was firmly rooted in, and possessed and intimate knowledge of the culture and traditions, of the area.<sup>122</sup>

These conclusions add additional urgency to the development of both North-South and South-South ties amongst human rights groups.

A final problem for the ICHRDD is a logistical one of constructing an organization which will complement, rather than reproduce, structures which are already in place. The administrators will have to work consciously against the proliferation of over-lapping structures which will waste precious financial and human resources. It will be vital for the ICHRDD to continue to consult with all the organizations (*plus* developing country groups) the Rapporteurs consulted with in setting up the mandate. The intended close liason with the Human Rights Research and Education Centre of the University of Ottawa, which already has contacts with human rights organizations and information centres world-wide, will be invaluable.

The ICHRDD, in conjunction with Canada's multilateral involvement in advisory and support services, offers great potential for Canadian initiatives in promoting human rights through moral suasion.

<sup>122</sup>Ibid., pp. 22-23.

## V. CONCLUSIONS

The examination of the tradition, and the techniques the Canadian government uses in promoting rights internationally, allows us to assess Canada's actual concern for human rights. Does the Canadian government demonstrate a real and costly commitment to its ideals? How much of its rights promotion is empty rhetoric? How much room for improvement remains, and what specific advancements could be made?

Certainly, the level of rhetoric in government documents, as well as the level of active involvement in conferences, committees, and assemblies has been increasing. There is an obvious desire on the part of the government to be associated with human rights issues and efforts.

Because Canada is constrained by its status as a Middle Power to concentrate upon low-key rather than confrontational or spectacular approaches, it might seem to a casual observer that the commitment to human rights is more talk than action. Bilateral human rights activity is more readily identified, but involves extra risk. Still, Canada has been willing to take this approach on occasion. An example is Prime Minister Mulroney's 1986 visit to South Korea. Although the trip was intended primarily to foster economic cooperation, Mulroney took the chance that economic relations could be damaged, and raised human rights concerns with President Chun.

However, it is obvious that it will usually be more appropriate for Canada to raise human rights concerns as it has done traditionally--within multilateral contexts. It is through concerted effort with other states that Canada as a Middle Power can make its most effective contributions to human rights protection.

Within the multilateral organizations, Canada is but one state among many; but it has distinguished itself as one of the most diligent human rights promoters. Consistent involvement on the many committees and working groups at the United Nations, means that Canada's presence continues to be felt. Initiatives such as donating to the Voluntary Fund for Advisory Services and Technical Assistance, establishing the ICHRDD, or financially assisting South African detainees and labour unions, show that Canada is willing to commit its financial

and human resources to promoting human rights. Canada has clearly attempted to take a leadership role in bringing sanctions against South Africa. It is obvious that the government wants to make official and symbolic condemnations of oppression. What is less evident is a costly commitment to economic sanctions.

The Canadian government has been much more willing to bear financial cost when participating in constructive (support service) activities, than it has been in initiating negative, reactive measures, such as sanctions. This has much to do with the intractable problems of intervention and with disagreement both inside and outside the country, about proper methods and timing. The negative activities of introducing economic sanctions and cutting aid are much more controversial than the relatively quiet activities of standard-setting and offering support services.

The programme of sanctions as a tool for fighting oppression has suffered from its voluntary nature, and from a lack of consistency between the level of rhetoric and the scale of action. Unless the sanctions are made appropriate to the level of oppression, the programme will remain ineffective, both in moving Pretoria, and in convincing other states to join in. Lack of consistency robs the sanctions of their moral force. Thus, while the Canadian government is moving in the right direction, it must move further and faster in order to keep up with its own professed standards.

The final criterion by which Canada's human rights foreign policies must be judged, however, is whether or not they actually protect human rights. In the area of practical suasion, Canada's impact on other states will be small. In the short run, the degree to which Canada can allay rights abuses is discouragingly limited. Canada's position in the international system constrains it to lend more emphasis to diplomacy: defining, setting standards, disseminating information, training, advising, discussing, and monitoring. While these types of moral suasion seem to have little actual force against rights abuses, in the long run they will be the most effective means of protecting the oppressed. These activities can affect peoples' attitudes at a deep cultural level; and it is only through such gradual and painstaking ideological evolution that human rights will come to be valued. Thus Canada has vast

opportunities for protecting human rights in the future by promoting them now.

Moral suasion will ultimately be the most important means of protecting rights, and since Canada, through its past experience and present position is best suited to this type of activity, the government should concentrate on expanding and refining its activities in the area. The establishment of the ICHRDD is a welcome addition here, if the government can avoid the pitfalls of over-bureaucratization and ethnocentrism, and fashion a forceful mechanism for change.

Concentration upon moral suasion does not, however, absolve the government from improving its techniques of practical suasion. Canada has shown that it is perfectly capable of taking concrete action on this front as well. As with most moral issues, we do not have the luxury of concentrating only on one solution or the other: battle must proceed along all fronts. Certainly, there must be decisions about allocating finite financial and human resources; but the exigencies of limited resources never ought to preclude cooperation with other states, even on the secondary issues. Some actions are relatively cost-free; resources can be used more efficiently than they are presently; and the government can make use of the many keen domestic interest groups that are ready and willing to cooperate. With proper management, the ICHRDD could serve to organize and coordinate these various aspects of policy. Canada is, among the nations of the world, a good rights defender. But it will have to become much more courageous in order to meet the needs of the world's oppressed.

## VI. APPENDIX A

To date, Canada has taken the following sanctions against South Africa:

1. condemned the use of repression, such as the imposition of a state of emergency, and called upon the Government of South Africa to enter into an equal partnership with all South Africans.
2. strengthened the voluntary "Code of Conduct" concerning the Employment Practices of Canadian Companies Operating in South Africa by a) appointing an independent and impartial administrator; b) introducing a standard reporting format and c) making the code applicable to all Canadian companies, including those with minority interests;
3. tightened the administration of the United Nations arms embargo to end *exports* of sensitive equipment such as computers to the Government of South Africa and its agencies;
4. applied the voluntary UN embargo on *imports* of South African arms;
5. abrogated the Canada-South Africa Double Taxation Agreement;
6. terminated the use of the Programme for Export Market Development [PEMD] for the South African market.
7. terminated insurance to Canadian exporters to South Africa provided by the Export Development Corporation;
8. issued public guidelines severely limiting sporting contacts between Canada and South Africa;
9. announced the termination of toll-processing of Namibian uranium;
10. introduced a voluntary ban on the sales of Krugerrands and other South African gold coins;
11. monitored and severely restricted official contacts, especially in sensitive sectors;
12. introduced a voluntary ban on new loans to the Government of South Africa and its agencies;
13. introduced a voluntary ban on the sale of crude oil and refined products to South Africa;
14. applied an embargo on air transport (cargo and passenger flights) between Canada and South Africa and subsequently banned all airlinks;
15. set up a National Register of Anti-Apartheid Measures to record voluntary actions taken by individual Canadians, private organizations, and other levels of government to demonstrate their opposition of apartheid;
16. allocated \$7 million for an expanded programme of scholarships for the black community to be administered through non-governmental channels.
17. appointed an additional officer at the Canadian Embassy in South Africa to facilitate cooperation in the labour sector;
18. ended Canadian Government procurement of all South African goods and services and invited provincial governments to follow suit in areas under their jurisdiction;
19. introduced a ban on the promotion in Canada of tourism in South Africa;
20. cancelled non-resident accreditation to Canada of the five South African attaches (Science, Labour, Mining and Agriculture) based in Washington;
21. banned new investment in South Africa;
22. banned the import of agricultural products from South Africa;
23. announced that no government contracts would be entered into with majority-owned South African companies;
24. extended the ban on new bank loans to South Africa to the private as well as the public sector;
25. banned the import of uranium, coal, iron and steel from South Africa;
26. withdrew consular facilities in South Africa except for those services provided to our own nationals and nationals of third countries to whom we render

consular services.<sup>123</sup>

<sup>123</sup>Southern Africa Task Force. South Africa: Measures Adopted by the Government of Canada to Demonstrate Opposition to Apartheid. (Ottawa: External Affairs, n.d.)

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